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# THE HOGAN SCHISM

# THE HOGAN SCHISM
## AND TRUSTEE TROUBLES
### IN ST. MARY'S CHURCH
### PHILADELPHIA, 1820-1829

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By

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# BIOGRAPHICAL NOTICE

## William Hogan

WILLIAM HOGAN was a native of Limerick, Ireland, where his uncle, the Reverend P. Hogan, was Vicar General under the administration of Bishop Touhy, 1814 to 1825. In 1814 William Hogan was a student at Maynooth, in the second year of his theological course. Charges were brought against him of breaches of discipline in consequence of which he was given the alternative to make a public acknowledgment or to leave the Seminary. Hogan refused to make the acknowledgment and left the seminary. Later he was ordained for the diocese of Limerick. After five years of service in Limerick he came to the United States in the autumn of 1819. Bishop Connolly of New York accepted his services and assigned him to missions on the Hudson at Albany and vicinity. In March, 1820, Hogan went to Baltimore for the ordination of his cousin, George Dennis Hogan. Stopping on the way at St. Mary's, Philadelphia, he offered his services to the Administrator there, Father Louis Adolph De Barth, who accepted him on condition that Bishop Connolly give him his release. Hogan returned to New York, told Bishop Connelly that he would not return to Albany, went back to Philadelphia, and with no further authorization began his career at St. Mary's, April 22, 1820. When Bishop Conwell came to Philadelphia at the end of November, 1820, Hogan's conduct and character were the subject of common knowledge and disapproval among the clergy of the city.

Acting upon the information of the priests of the city and his own experience with Hogan, the Bishop first warned Hogan and finally deprived him of the faculties of the diocese, December 12, 1820.

Hogan's case was taken up by the Trustees. During the years 1821 to 1826 more than seventy pamphlets were printed in defense of both sides. Hogan was declared publicly excommunicated May 27, 1821. He remained at St. Mary's in the employ of the Trustees and in defiance of the bishop until November, 1823. The last twenty-four years of Hogan's life are traced by his activities as an "ex-priest" lecturer. He was "married" in Wilmington, North Carolina, August 9, 1824; a second time, after the death of the first "wife", January 28, 1828. He was admitted to the practice of law in Georgia, March 12, 1826. He died at Nashua, New Hampshire, Jan. 23, 1848. Publications printed under Hogan's name and reprinted in uniform size after his death, are: *Popery as it was and is; Nunneries and Auricular Confession; High and Low Mass.* The literary form is crude, made up generally of imaginary tales, deliberate lies and old calumnies. The shame of these publications is their appeal to credulity, prejudice and ignorance.

# BIOGRAPHICAL NOTICE

## HENRY CONWELL

THE second Bishop of Philadelphia, 1820-1842, was born in Moneymore, Londonderry, Ireland. He studied in Paris, where he was ordained priest in 1776. Before his appointment to Philadelphia, he had served as Vicar General twenty-four years in the metropolitan see of Armagh. The papal letters appointing him to the see of Philadelphia are dated November 26, 1819. He was consecrated in London by Bishop William Poynter, September 24, 1820, and reached Philadelphia by way of Liverpool and Baltimore, November 25, 1820. On the twelfth day of December, 1820, Bishop Conwell declared that he withdrew the faculties of the diocese from the Rev. William Hogan, one of the three priests serving at St. Mary's, the Cathedral Church of Philadelphia. The reasons for this withdrawal of faculties were found in information conveyed to the Bishop damaging to the private life and conduct of Hogan and to the language of Hogan in St. Mary's on the two preceding Sundays, in which he expressed disrespect and defiance of authority. The Trustees took up the cause of Hogan; and despite the fact that he had been deprived of the right to exercise the priestly faculties of the diocese, Hogan continued to serve the Trustees and their partisans until his departure from Philadelphia in the fall of 1823. In consequence of this action of the Trustees and their hired priests the Bishop with the loyal Catholics of the congregation was forced to withdraw to the " Old Chapel," St. Joseph's, where he lived with his clergy. St. Mary's was closed to all legitimate Catholic worship from May, 1821, to December, 1826. A stubborn public controversy was the result with litigations in the civil courts and repeated attempts on the part of the Trustees to have the Charter of St. Mary's changed. Finally, by various compromises, an agreement was made in 1826, which is known as " The Pact of October 9, 1826." This form of agreement together with an appended declaration of the Trustees was sent to Rome and was promptly rejected by the Holy See. St. Mary's was reopened in December, but new troubles arose. In the summer of 1828 Bishop Conwell was called to Rome. He returned to Philadelphia in the fall of 1829. In February of the following year, 1830, Francis Patrick Kenrick was appointed coadjutor with full powers of administration for the diocese of Philadelphia. During the last twelve years of his long career Bishop Conwell lived in retirement. He died in Philadelphia, April 22, 1842, at the age of ninety-four.

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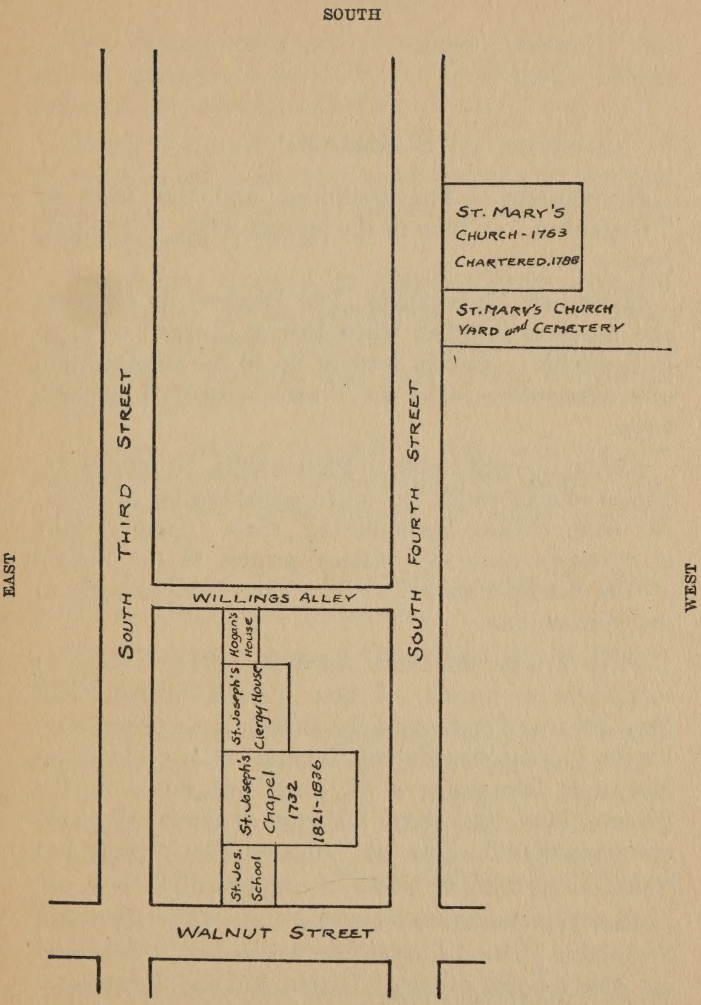
SOUTH
EAST
WEST
NORTH
SOUTH THIRD STREET
SOUTH FOURTH STREET
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STREET AND GROUND PLAN SHOWING RELATIVE POSITION OF ST. MARY'S, ST. JOSEPH'S AND CLERGY RESIDENCE

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# THE HOGAN SCHISM

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## INTRODUCTORY

### Purpose and Plan of This Work

THE " Hogan Schism " in St. Mary's Church, Philadelphia, has been for the greater part of a century a thing of tradition more than history. Many things are told, much has been written about Hogan and the schism. Few facts have been followed out completely or studied in their proper setting, as they were, integral parts of life and conditions one hundred years ago. It is easy enough now to trace party lines, to mark main points of law and of right which were claimed by both sides in the schism. The principles for which men stood or thought they stood, are not so easily seen.

The main purpose of these pages is: First — to find and discern facts in the history of the schism. Second — to identify principles of Church government, discipline and local administration, which vary and adapt themselves to changing conditions of time and place. Facts and their connected results will be followed out, not in order to emphasize the right or the wrong of one side or the other; but only to determine what bearing the facts had upon other facts of civil and ecclesiastical law, and upon established customs of the time.

The material printed in newspapers and pamphlet form on the subject of the schism during the years 1821 to 1829 is literally a maze. As we look back now in perspective, and endeavor to judge the merits of the cause, the most unpleasing features are found in these methods of publicity, in the cheap means employed to win popular applause or sympathy.

Controversies, the self-defense and self-justification of men and of parties have been powerful factors in making history, and in spoiling history. They are wanting generally in that unselfish moderation and devotion to objective truth, which are first requisites for writing history. Distance and the perspective of time are needed to discern the true meaning and importance of facts and principles, to give them their proper place on the larger chart of history where they belong.

Much of the printed matter that has survived has little interest now, and no value beyond the value of strong language to show strong feeling and the use and abuse of propaganda. The pamphlets were written usually to justify a cause or to defend a course of action. Mere trivialties are stressed to force an argument, to prove one side right or the opposing side wrong.

The sources of information and material for this narrative are, First:—Letters of private and official correspondence: Second:—Reports and appeals to Rome made by both sides in the controversy: Third:—Two summaries of facts in the case made by the Sacred Congregation de Propaganda Fide, the first in 1821-1822, the second in 1827. The contemporary prints will furnish material to fill in the framework of substantial facts. Many of these prints have appeared in the issues of the *Records of the American Catholic Historical Society* in *The Life of Bishop Conwell,* by Martin I. J. Griffin, and earlier in the *Life of Bishop Egan,* also by Mr. Griffin.

# CHAPTER I

## SURVEY OF THE DIOCESE OF PHILADELPHIA IN 1820

A SURVEY and a few brief notes on Catholic centers and missions in the diocese will help the reader to follow the course of events, and to see facts in the light of their own time.

In 1820, when Bishop Conwell came to Philadelphia, the diocese comprised the entire state of Pennsylvania, the state of Delaware and what was then known as West Jersey, including all that part of New Jersey lying west and south of a straight line drawn from a point on the Delaware River near Minnisink to the lower outlet of Little Egg Harbor, south of Barnegat Bay. The diocese had been under the administration of Father De Barth after the death of Bishop Michael Egan, July 22, 1814.

In Philadelphia, within city limits, were four Catholic Churches. St. Mary's, where Bishop Egan had fixed the episcopal residence in 1810: St. Joseph's, the first founded, but after the building of St. Mary's in 1763, a part of St. Mary's administration, and used as a chapel of ease to the cathedral: Holy Trinity, opened in 1789 for the spiritual care of the Germans: St. Augustine's begun in 1796 and opened in 1801.*

The Laity's Directory for 1822 lists eleven churches or stations outside the city of Philadelphia—Lancaster

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* The corner-stone of old St. Augustine's, the church which was destroyed by fire during the riots of 1844, was laid in September, 1796. The church was blessed and opened for divine service, June 7, 1801.

— Conewago — Carlisle — Chambersburg — Goshenhoppen — Greensburg — Loretto — Pittsburg and Reading. Wilmington, or Coffee Run, six miles outside Wilmington, and Trenton are the only places given for Delaware and New Jersey.

Other Catholic settlements, not named in the Directory, are known to have been visited occasionally or at stated times. At Ivy Mills, in the Willcox home, was a chapel, where Mass had been celebrated occasionally since the early part of the eighteenth century. At Doe Run, in Chester County, Bishop Kenrick says, in 1842: —" Catholics have had a cemetery here nearly seventy years." At Haycock, Bucks County, the church or chapel is described as " A stone structure, built many years ago." This was in Bishop Kenrick's visitation in 1833.[1] Lebanon, Elizabethtown and York were attended from Lancaster before the end of the eighteenth century. West Chester, St. Peter's, Wilmington, Doe Run and the chapel in the Willcox home were attended by Father Patrick Kenny, whose home at Coffee Run was a mission center from 1804 to the time of his death in 1840. At New Castle in Delaware was another Catholic chapel. Bishop Neumann's Notebook gives 1808 as the year of the opening of this mission. In South Jersey, as it was then called, were scattered Catholic settlers. Pleasant Mills, Millville, Trenton were missions attended from St. Augustine's in Philadelphia, during the first quarter of the nineteenth century.

In Westmoreland County, Pennsylvania, was the Theodore Brower's Foundation. This foundation was made in 1790. It is now the Benedictine Abbey and College of St. Vincent. There were Catholic mission stations in Huntingdon County at Sinking Valley and Newry. Harmon's Bottom, in Somerset County, and Cameron's Bottom in Indiana County were mission centers with "Foundations of land for the support of religion." Catholics had settled in the Susquehanna Valley before the end of the eighteenth century in the vicinity of Selin's Grove and Milton. The "Old Glass Works" at Lewis' Lake (now Eagles Mere), which was in operation before the war of 1812, had probably offered employment to Catholic glass workers. A foundation of land "for the support of a priest and a chapel" was made in that section of the state by Joseph Eck in the year seventeen hundred and ninety-eight.[2]

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[1] Bishop Kenrick's *Diary*, August 25, 1833.

When Bishop Conwell came to Philadelphia, in November, 1820,[3] there were five priests resident in the city. At St. Mary's, which included the original St. Joseph's Chapel, were Father James Cummiskey, Father Terence McGirr and William Hogan. At Holy Trinity the rector was Father Francis Rolof or Roloff, 1812 to 1829. At St. Augustine's Father Michael Hurley had been in charge alone since the death of Fr. Matthew Carr, September 29, 1820. Bernard Keenan, a student in theology came from Ireland with the Bishop. He was ordained priest, January 1, 1821. For some time after ordination Father Keenan lived at St. Augustine's while he completed his studies under the direction of Fr. Hurley.

[2] See Bishop Kenrick's *Diary*, July 4, 1838.

[3] "The 25th day of November, 1820, the Right Reverend Henry Conwell arrived here from Ireland by way of London and Baltimore."—Memorial to Pope Pius VII, April 10, 1821.

# CHAPTER II

## ANTECEDENTS OF WILLIAM HOGAN

AS to the antecedents of William Hogan before he came to Philadelphia in the spring of 1820 many and contradictory statements were printed during the years of controversy. A few facts are gathered here from contemporary prints. Hogan came to the United States from Ireland during the later months of 1819. He brought a letter of introduction signed by Bishop Touhy of Limerick. The letter is dated August 25, 1819, and testifies to Hogan's work in the Bishop's " mensal parish " in Limerick. "The Reverend William Hogan," the bishop says, " has been curate in my mensal parish for some time, and conducted himself in an exemplary manner. He is under no censures of any kind. On the contrary, he has labored on the missions in Limerick so as to meet my approbation."

This letter, it will be noted, is not in the form of a permission to leave the diocese, and to find employment elsewhere. It is not addressed to the Metropolitan of Baltimore or to any other bishop in the United States. It states simply that Hogan's work and conduct on the mission have had the bishop's approval, and that he goes out of the diocese under no ecclesiastical censure.[4] The letter probably is as good as most of our pioneer priests from France, Germany and Belgium could have shown. But these usually were forced to leave the home land by reason of political conditions. There is no mention of political reasons in Bishop Touhy's letter. When the phrasing of the letter is studied more closely in the light of later developments we find points of indefiniteness, which may or may not have been the Bishop's reasons for writing a letter of "introduction," not a formal *exeat*. The very first question that a bishop of another diocese would ask:—"Why did Hogan leave Limerick," is left unanswered. Evidently the letter leaves a way open for Hogan to find employment. But it is not less clear that the burden is put upon the bishop who takes the risk of engaging him, to find out more about Hogan's antecedents.

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[4] George Dennis Hogan made the statement under oath at Lancaster, March 21, 1821, that William Hogan had been suspended by Bishop Touhy of Limerick about five years before, and that William had told him he intended to become a Protestant clergyman.—*Records*, A. C. H. S., Dec., 1913, page 349.

The letter of Bishop Tuohy was evidently accepted by Bishop Connolly of New York. It is known that Hogan was engaged on the missions in the upper Hudson Valley in the vicinity of Albany, Lansingburg and Schenectady. At Lansingburg, now North Troy, Hogan officiated at the marriage of Sara Rawson, daughter of Keating Rawson early in the year 1820.

In March, 1820, Hogan passed through Philadelphia on his way to Baltimore, where he was to attend the ordination of his cousin, George Denis Hogan.[5] On this occasion of Hogan's visit to Pennsylvania and Maryland, he had asked the permission of Bishop Connolly to collect money for improvements on the church at Albany. This permission was not granted.

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[5] George Denis Hogan was ordained priest in Baltimore, March 25, 1820. In 1822 he returned to Europe, and died in Paris in this same year, 1822.

While stopping at St. Mary's in Philadelphia, Hogan opened negotiations with the administrator, Father DeBarth,[6] looking to the transfer of his services from the jurisdiction of Bishop Connolly to the diocese of Philadelphia. The administrator agreed to receive Hogan into the diocese on condition that Bishop Connolly consented to the change.

Hogan returned to New York and told the bishop that he would not go back to Albany, that his services had been accepted by the administrator of Philadelphia. He received no letter from Bishop Connolly permitting him to pass regularly from the diocese of New York to Philadelphia. When Hogan returned to take up his residence at St. Mary's, Father DeBarth was attending the mission at Conewago. Later this irregularity in Hogan's coming to Philadelphia was discovered by Father Patrick Kenny, to whom the bishop gave the facts. Father Kenny explained the case to the administrator in a letter dated August 9, 1820. This irregularity was just one more problem in canon law and administration to be solved by the new bishop when he came to Philadelphia in November 1820.

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[6] Father Adolph Louis de Barth was born at Munster, Upper Rhine, November 1, 1764, ordained priest at Strassburg, in 1791. His father was Count Joseph de Barth, Baron of Walbach. In 1791 the family was forced to leave Europe by reason of the revolution. Father de Barth labored on the Missions in Pennsylvania and Maryland. During the years 1804 to 1828 he resided generally at Conewago. From 1828 to 1838 he was rector of St. John's, Baltimore. He died at Georgetown, Oct. 13, 1844. He was not a member of the Society of Jesus, though he lived with them many years.

# CHAPTER III

## TRUSTEES' ADMINISTRATION OF CHURCH FUNDS

### CAUSES WHICH LED UP TO THE ORGANIZATION OF CONGREGATIONS UNDER THE TRUSTEE SYSTEM FOR THE ADMINISTRATION OF CHURCH FUNDS.

THE material support of religion at St. Mary's was under the management of a board of trustees. This system of trustee management, which had established itself quite generally during the early decades of the Church's organization in the United States, was a result of conditions existing partly in the older countries of Europe, from which the immigrants came, partly in the new-forming communities here.

Unlike the French colonists in Canada and Acadia, the Spanish in the South and the Southwest, the English under Lord Baltimore in Maryland, who were organized under their spiritual leaders before they left Europe; the later emigrants from Ireland, France after the Revolution, and Germany were usually seeking to escape conditions where the work of religion was either spoiled by the intrusion of political interests or crushed by the power of the state. No provision was made for these later emigrants before they left the home land. In this country priests were few in proportion to the growing population. Catholic communities grew up in the more populous centers of industry and agriculture lacking the first essential of religious organization—a priest to guide their spiritual life. In many Catholic communities the administration of funds for church building and the support of religion demanded attention before there was a priest to be had to build up the parish or to take care of religion in the congregation. A charter granting rights of corporation by civil law was the logical way to secure these funds. The result was incorporated religious societies managed by boards of trustees. The trustees soon found themselves in a position where they could bargain with the bishops: They could dictate terms, and say whom they would have, and whom they would not have to direct the spiritual life of the community.

The dissensions, litigations, schisms and scandals which mark the history of trustee management during seventy years, from 1780 to 1850, are facts which count clearly against the system. In New York, Baltimore, New Orleans, Norfolk, Charleston, Buffalo, even in the country districts of western Pennsylvania it is the same spirit of revolt, the same motives to justify the cause, and like results. In New York, at St. Peter's it was Father Andrew Nugent, in Baltimore at St. John's it was Reuter, in New Orleans it was Sedilla, in Charleston, Norfolk and Atlanta were Gallagher, Carbry and Browne, in Westmoreland County, Pennsylvania, it was Father Francis Fromm; in Philadelphia, at Holy Trinity, 1796-1802 were Goetz and Elling. In every case cited above the factors will be found to be discontented clerics taking advantage of the powers granted by civil law to lay corporations, and conspiring with them to defy or to fight their ecclesiastical superiors.

The result was scandal in the demoralized local congregation, a defeat for the time of spiritual jurisdiction and that loss in vigor and ecclesiastical discipline which no historian can justly compute.

In June, 1819, the trustees at St. Mary's addressed a Memorial to Pope Pius VII. This memorial was written nearly six months before the appointment of Bishop Conwell, and three months at least before William Hogan came to America. It is not spoiled by the personal strifes of the later conflict. It may be cited, therefore, as a fair index to some of the demands which the trustees made upon canon law and Catholic customs, and the share which they held to be their right in a form of popular Church government.

The full text of the Memorial will be found in the Appendix of documents, together with the answer of the Sacred Congregation. It will be enough here to cite three points from the Memorial to show what was the attitude of the trustees to their ecclesiastical superiors. First — the trustees ask the Pope to appoint William Vincent Harold [7] to be Bishop of Philadelphia. Second — they are discontented with the priests who are in charge at St. Mary's. They complain about the Administrator, Father DeBarth and the Archbishop of Baltimore, Marechal. Both are French, they say, and favor the French. Harold, on the other hand, is a native of Ireland, and it is to Ireland that they look for devoted priests, the only cure for the ills that afflict the church in America. Third — the Memorial closes with a threat to enforce compliance. There is need, they tell the Pope, of a " convention of delegates from the several Catholic congregations in the United States to devise a remedy for it (that is, the state of unrest). What the result will be cannot be foreseen. But it is obvious that the only means left to prevent its being of a calamitous nature is a reasonable compliance with the request of the people and a just respect for their rights. In regard to your memorialists this can be accomplished in no way so effectually or satisfactorily as by appointing the Rev. William Vincent Harold to be the Bishop of the diocese of Philadelphia, a measure we most respectfully and earnestly solicit your Holiness to adopt — Philadelphia," June 15, 1819 — Signed by order of the Trustees.

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[7] For William Vincent Harold, see page 79, below.

AUGUSTINE FAGAN, *Corresponding Secretary.*

The attitude of the trustees in this Memorial to the Pope, the self-assurance of their assumed right to bargain with spiritual superiors, the menace of an ultimatum to the Supreme Head of the Church indicate the spirit and the state of mind which Bishop Conwell had to meet when he came to Philadelphia in 1820. The Trustees had been repulsed by Bishop Egan and by the Metropolitan of Baltimore in 1813; but repulse for them did not mean defeat. They were empowered by charter to manage the temporalities of St. Mary's; and evidently they meant to exercise their civil right.

The letter of the Sacred Congregation addressed to Augustine Fagan, Secretary and the congregation of St. Mary's in reply to the Memorial of June 15, 1819, is a complete answer to complaints contained in the Memorial and demands for recognition of " rights " by the Holy See. First:—The request for a bishop who is a native of Ireland is granted—Henry Conwell of the See of Armagh has been appointed — Second: — The Holy See could not accede to the request for the appointment of William Vincent Harold from certain knowledge of this individual's unfitness for the office—Third:—The petitioners are to note that the complaint about French rule or misrule and a demand for bishops from Ireland have a response in recent appointments—Bishop Conwell for Philadelphia, Bishop Kelly for Richmond, Bishop England for Charleston; and earlier Egan in Philadelphia, Concannen and Connolly in New York. Finally: — The presumed right to nominate their own candidates for the episcopal office is not a right granted by the laws of the Church. If this claim is made on the ground of custom, such a custom has never been the practice in Ireland on the rights and privileges of which the American claims are said to be founded.

# CHAPTER IV

## BISHOP CONWELL—HOGAN—THE TRUSTEES—FACTS LEADING UP TO THE WITHDRAWAL OF HOGAN'S FACULTIES

Bishop Conwell arrived in Philadelphia, November 25, 1820.[8] He had been consecrated in London, September 24, 1820, by William Poynter, Vicar Apostolic of the Southern District of England. According to a constant tradition, repeated in the prints of the time, the bishop was seventy-three years of age when he came to Philadelphia. He had been twenty-four years Vicar General of the Metropolitan See of Armagh. A letter signed by twenty-one parish priests and administrators of the ancient See of St. Patrick attests the high esteem and affection of the clergy there for their Vicar-General, when he was appointed to the See of Philadelphia.[9]

Various accounts have been given of the incidents which led up to the first break between the Bishop and Hogan. The bishop was "inducted" in St. Mary's, Sunday, November 26, 1820, in presence of the congregation and assisted by the administrator, Father DeBarth with the three priests serving regularly at St. Mary's, Fathers Cummiskey, McGirr and Hogan.

The pamphlets of the time indicate that the occasion for the bishop's censure of Hogan and the taking away of his faculties was found in words of disrespect and derogatory to the person and the office of the "Very Reverend Administrator". This lack of due respect seems to be acknowledged by Hogan in a letter written and signed by him, December 18, 1820.

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[8] This time is fixed by another Memorial addressed to the Pope April 10, 1821.

[9] This letter is dated Dungannon, February 22, 1820—See Appendix.

> Right Reverend Sir:
>
> If you will have the kindness to point out to me any expression in my discourse of last Sunday week, improperly applied or derogatory to you, I shall revoke them and make any proper apology in the presence of the clergymen before whom you suspended me and the committee who will have the kindness to present this note.
>
> William Hogan—Dec. 18, 1820.

The trustees in their Memorial to the Pope make no reference to improprieties on the part of Hogan. They place the burden of responsibility on the administrator, and blame him for the beginning of the whole trouble. "A few days after" the bishop's induction, they say, "Doctor DeBarth departed again for his residence in the country parish (Conewago), but previously he had made many oral communications to the bishop respecting Mr. Hogan's private and public conduct, all calculated to beget distrust and dislike; all alike bearing injuriously on the character and standing of Mr. Hogan; and contrived to generate in the bishop a jealousy in regard to his own dignity and future influence. But, aware that these oral communications might lapse and be forgotten, the crafty Vicar General digested the whole into a written document and committed it to the bishop for a voucher and memorial."

Whether or not the unproved charges made in this Memorial have any foundation in fact, the disingenuous assumptions of guilt and complicity on the part of the bishop and the administrator would take from the charges, it seems, any value that they may have had beyond the value of recriminations in the controversy.

Just what was said by Hogan in the sanctuary of St. Mary's on the day of the bishop's induction is nowhere recorded. Probably the words were never written, but reported only from the impressions which they made on those who heard them. It was admitted, even by Hogan's friends, that the language was offensive to the administrator and to the bishop, both present in the church.

Hogan evidently was aware that his clerical irregularities had been reported to the bishop. He had been building on the favor of the people, who did not know him. The priests at St. Mary's did know his irregularities. In order to evade the notice of his brother priests he had taken up his residence in a house adjoining the clergy house. The trustees had approved this extra expense because the clergy house was too small.[10] The people, or a good part of them, still admired and loved Hogan. The trustees were at odds habitually with their priests. They were dissatisfied just now because their favorite, Harold, had not been appointed bishop. Dissensions were rife in St. Mary's. Hogan could play a part. If he opposed the bishop he was sure of a faction to support him. He would be a hero and a martyr to the popular cause.

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[10] The priests of St. Mary's still lived in the Old St. Joseph's Priest's house. The diagram at the front will show the relative positions of old St. Joseph's Clergy House, the old Chapel, the first St. Joseph's School, Hogan's House and St. Mary's, on the West side of Fourth street.

The improprieties of November 26, were repeated and probably emphasized on the following Sunday, December third; and December tenth did not help matters in the way of peace. In a pamphlet written some time later Hogan quotes his defiance of the bishop, who had told him to move back to the clergy residence—" I understand," he says, " that some persons wish to designate my place of residence, and even the society I shall have—I am determined not to allow you nor your bishop, nor any other bishop to designate my place of residence, as it is already where it should be in the center of the parish."

Following this boast of open defiance the bishop called the priests of the city to meet at St. Mary's,[11] Tuesday, December the twelfth, 1820. The priests were Fathers Cummiskey and McGirr of St. Mary's, Rolof of Holy Trinity and Hurley of St. Augustine's; Hogan was called, and, in the presence of the assembled priests, the bishop declared that he withdrew from him the faculties to act as a Catholic priest in the diocese.

Hogan's plea to the public, later on, was that he had no fair trial, no opportunity to defend himself. The success of his work, he said, and the applause of the people had occasioned this act of pride on the part of the bishop and his priests. The bishop, in the *Concatenations,* a summarized account of connected facts issued in 1824, says that it had been discovered that Hogan was a man " who could not be trusted with the care of souls." This came to the knowledge of the bishop on his arrival. "It might have been the bishop's duty to withdraw faculties from him immediately; but he judged it more prudent to wait until this assurance should be manifest by some overt act, which soon came to pass in the presence of a numerous congregation; and this obliged the bishop to refuse to grant him faculties."

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[11] The old St. Joseph's clergy house.

The day following the withdrawal of Hogan's faculties by the bishop a meeting was held " on business of importance " in St. Mary's school. John Leamy was made chairman of the meeting, Joseph M. Doran was secretary. The object of the meeting was stated, and a committee was appointed to draw up a memorial. This " memorial " was then to be " signed by the Roman Catholics worshipping at St. Mary's "[12] and " presented to the Rt. Rev. Doctor Conwell requesting the restoration of the Rev. William Hogan." The committeemen named were John Leamy—John Ashley—Joseph Dugan—Michael Doran and Timothy Desmond. The meeting then adjourned to meet again Saturday evening at six-thirty o'clock at the house of Charles W. Bazeley."

The meeting at the house of Mr. Bazeley,[31] Saturday evening, is dated December 16. The memorial prepared by the committee was read, and " highly approved." A letter was then drawn up addressed to the bishop stating that a copy of the memorial is being sent to him. "In order to afford you a fair opportunity of considering its merits before we have the honor of waiting on you officially."

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[12] The photostatic copy of the original in the Propaganda Archives is underwritten. " Signed by 250 of the most respectful (respectable?) of the Congregation."—The signatures are not given there.

[13] Mr. Bazeley's residence and occupation are referred to in Bishop Conwell's Concatenations, published in 1824. He (Mr. Bazeley) " who keeps a school for females at the corner of Willings Alley in Fourth Street."

Four days later another meeting was held at the house of Mr. Bazeley. This was December 20—"The memorial was again read to the meeting." This was followed by the reading of "the Right Reverend Dr. Conwell's answer to the memorial." Later Mr. Hogan's letter to the bishop was read. This is the letter referred to above, in which Hogan asks the Bishop to point out "improprieties" in his language of "last Sunday a week."

The Memorial, the full text of which is kept in the Cathedral Archives, Philadelphia, is rather overdone in its fulsome praises of the Rev. William Hogan. The picture drawn of marvels accomplished in the parish by Hogan during his residence of less than eight months is a little too rhetorical to convince a bishop with experience in the care of souls. Like the Memorial to the Pope in 1819, this also closes by a threat that it is within the power of the committee to force the bishop to comply if he should refuse to yield to the demands of the "memorialists."

"Perhaps you will not consider it irrelevant" they say, "to state that St. Mary's Church is the property of the Laity,[14] and the clergy are supported by them.

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[14] The legal title to St. Mary's was never held in the name of the Trustees or in the name of the chartered Corporation of St. Mary's. The property was held in the name of successive Jesuit Superiors of St. Joseph's. Finally the title was transferred to Bishop Conwell November 7, 1825 by the Rev. Francis Neale, then

We deeply regret for your individual peace and support, for the interests of religion and for the Rev. William Hogan that you have prevented him from discharging his duty as a clergyman of your diocese. We solicit his restoration to the former situation, and pray you to prevent the lamentable effects that will follow a refusal."

Bishop Conwell has been blamed variously, for lack of prudence and foresight, for a want of tact in meeting the demands of representatives of a Catholic congregation, for haste in forming a judgment and obstinacy in holding out a decision which turned St. Mary's into a battleground of warring factions and finally estranged leading Catholics of the city and whole families with their descendants from the Catholic Faith.

We are not reversing judgments of the past. But at the distance of a hundred years the high points of the controversy stand out more clearly on the horizon. Facts and principles of Church law and discipline can be seen now apart from the animosities and bickerings of the actual conflict of the time. The meaning of the fight for principles is more easily discerned.

One point should be kept in mind, in the study of any question as to the right of the bishop to act as he did, or any doubt as to the prudence of his course in answering the Memorial of December 16, 1820. The action of the bishop from the beginning was approved by the Metropolitan of Baltimore and by the Bishops of Boston and New York. The priests of the city and

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resident at St. Thomas' Manor. The Deed was recorded, May 23, 1826. Deed Book G. W. R., no. 9, page 249. The text of the original transfer describing the ground will be found at page 137.

the diocese also stood by the bishop to the very last, and encouraged him by moral support and sympathy.

The substance of the Bishop's answer to the committee will be given here only. A few main points from the letter will be enough here to show what was the bishop's stand against the demands of the committee that Hogan be reinstated.

The bishop's letter is not dated but the time is fixed beyond doubt by the second meeting which was held at the house of Charles Bazeley, December 20, 1820, when both the memorial and the bishop's answer were read to the meeting. There is no record of action taken by the meeting upon this reading of the bishop's answer. But a second answer to a "Rejoinder" and dated by the bishop December 30, 1820, makes it clear that such a rejoinder was made and sent to the bishop some time between the twentieth and thirtieth of December, 1820.

In the first answer to the memorial the bishop tells the members of the committee plainly where they stand as members of a Catholic congregation, where he stands as the bishop of the diocese. He begs them to let him follow out what he knows to be his duty. He insists, not upon his right, but upon the obligation of the episcopal office to determine who shall and who shall not be chosen to have the care of souls in the flock committed to his charge.

"The welfare of the Church," the bishop tells the committeemen, "is my object. I am responsible to God at his awful tribunal for my conduct on this as on every other transaction of my life. And such is my respect for you, and for those of St. Mary's congregation who may be induced to think as you do, that nothing gives me greater pain of mind at this present moment than the necessity I find myself under of differing in opinion from such members of the congregation as may be led to pursue the step they have taken by a wrong view of the subject under consideration."

" But it consoles me to be well assured, as I am, that, when the whole bearing on the case comes under their impartial and dispassionate observation, they will be unanimously of my opinion."

" I know that it appears to them at the present time that my compliance with the object of the memorial would be a prudent and rational measure, and conducive to the interests of religion. But, on the contrary it plainly appears to me that my compliance would produce the worst possible effect and consequences, effects that would confound and disturb the Church much more than a total schism in the congregation, which would be merely local—But my deviation from duty by allowing myself to be led astray on this occasion would unhinge the hierarchy, undermine Church government, destroy subordination and subvert all rule and order in the Church here and elsewhere throughout the United States."

" Therefore, most dear children in Jesus Christ, I implore you to reconsider the case, and review your conduct—Revolutionary movements tend always to disorder. Think well and seriously on this, and leave me to my duty. Excuse this simple style. It is plain and intelligible, as the language of a father to his children should be."

" The innuendo at the conclusion, that St. Mary's church is the property of the laity, and that the clergy are supported by them, should have been avoided. But it makes me see more plainly that the object of the memorial was to force me to act against conscience, per fas et nefas."

"Begging that you will not construe any expression contained in this hasty answer into disrespect or want of consideration for you or any of the congregation; or as intended to slight your or their opinions, I am, with the tenderest love and regard, my dear and beloved children,

Your spiritual father in God,
† Henry Conwell,
Bishop of Philadelphia.

The bishop's style betrays foreign training perhaps, the influence of an idiom that is more French than English. But it is unfair to the bishop to characterize any thing in this letter or the following letter of December the thirtieth as "hasty" or "harsh" or indicative of "a stubborn determination" to stand upon his right to remove Hogan from the pastoral office and the care of souls. The reputation of Bishop Conwell, it must be remembered, was in the hands of a hostile, and, as will be seen, a rather unscrupulous faction for ten years and more. Much has come down in tradition that will be found, on investigation, to be less the bishop's doing than the spoiling of his enemies.

The bishop's reply to the "Rejoinder" of the committee is brief and clear.

"Dear Friends in Christ"

"Conceiving that my answer to the Memorial addressed to me from St. Mary's congregation expressed unequivocally the decision of the matter, which I had been then requested to take into more serious consideration, I had hoped that reason and religion would have suggested the propriety of putting an end to further discussion of it. There never was the smallest '*hesitancy*' in my conduct or expressions on the occasion."

"Finding myself once more called on to reply to a *Rejoinder* on the same head, the object of which is to press the case still further, I beg leave to refer the gentlemen of the committee and the congregation to my first answer—Conscience directed it—and I would consider myself betraying that trust reposed in me by the Church, if I were induced, under any kind of danger, to recede from the determination I have made —I have the honor to be with respect, my dear friends in Christ,

Your faithful pastor,
HENRY CONWELL,
Dec'r. 30, 1820.

There is no doubt about the bishop's meaning in these two letters. He has grasped the situation. He has taken his stand; and he tells the committee plainly that it is the stand of their spiritual superior. To recede would be treason to the cause of the Church. It would be betraying a sacred trust. He begs them not to force the hand of their bishop, not to subvert the order of things. He tells them that what they ask him to do would be turning the Apostolic commission of Christ's ministry into a wage system under trustee management, where the spiritual leaders of the people, the priests of God would be in effect the subservient hirelings of a set of men who had made themselves, for the time, masters of temporal support in any local community or congregation.

Judging the case in the light of later events, it seems clear that the bishop was forced to make a decision, to choose one of two ways, to yield to the demands of the committee, or to refuse their request from reasons of conscience. To yield would mean that he must grant the faculties of the diocese to one whom he knew to be an unworthy priest, whose words and acts had proved him to be a rebellious trouble-maker. To refuse meant that he would surely incur the displeasure of men who were posing as representative Catholics of St. Mary's congregation. It was not a time for compromise or half measures. The committee's request must have an answer. Yes or No. To reinstate Hogan would be, as the bishop puts it, "to unhinge the hierarchy." It would establish Hogan and his admirers in the place of episcopal authority; and acknowledge that they, and not the bishop, had the right and the office to decide upon the fitness of the priests who were to be spiritual leaders in the congregation. To yield now would be to set a precedent for the future. It was sure to be turned into a block, when occasion offered, to bar the free action of bishops, anywhere and at any time, in the appointing of priests and the governing of parishes.[15]

[15] See the Memorial of Protest addressed to Pope Pius VII, April 10, 1821—Cathedral Archives.

# CHAPTER V

## THE CAMPAIGN OF PUBLICITY — MOVE TO CHANGE THE CHARTER—TRUSTEE ELECTION OF APRIL 24, 1821—HOGAN'S SUPPORTERS ARE ELECTED—THE BISHOP AND HIS CLERGY EXCLUDED FROM THE BOARD

DURING the early months of 1821 there was no change in the attitude of hostility on either side. There is evidence, however, of shifting activities. From the earlier endeavors to come to an understanding the efforts now seem to turn to a definite plan of propaganda. The campaign of publicity was apparently forced upon the bishop and his adherents by the methods of Hogan and his partisans. Before the trustee election of April, 1821, Hogan had published three pamphlets on his controversy with the bishop.

In January, 1821, some letters and damaging testimony of the Reverend George D. Hogan were made public. In these George Hogan makes the statement under oath that his cousin, William Hogan some five years before had been suspended by Bishop Touhy of Limerick, also that William had told him ( George) that he intended to become a protestant clergyman, under the jurisdiction of Bishop Hobart of New York. The only result apparently was more fuel for the fire of controversy. The sole aim in these public prints seems to be to prove the other side wrong.

A movement was on foot in March and April of the same year to have the State Legislature change the charter of St. Mary's.* The original charter was granted by act of Assembly, September 13, 1788. An earlier attempt to have the charter changed had been made in 1805 planned by the committee and members of the congregation who opposed the bishop then. The change was granted now on condition that the Supreme Court of Pennsylvania should approve the proposed amendment. On the seventeenth of April 1821 the court decided that the amendment could not be made a part of the original charter—This attempt to change St. Mary's charter was renewed in 1822, and again in 1823.[16]

Not all the trustees of the old board had agreed with the committee constituted in December, 1820, to oppose the bishop. The election of a new board of trustees was fixed by the charter for the Tuesday of the week following Easter Sunday. This, in 1821, was the twenty-fourth of April. By some means evidently unexpected by the friends of the bishop, not explained in the printed sources of the time, the eight lay trustees elected were known to be the friends and admirers of Hogan. The new lay members of this board were John Leamy—John Ashley—Patrick Connell—Joseph Strahan—John Dempsey—Joseph Dugan—Augustine Fagan and John Doyle. Patrick Connell and John Doyle had been members of the old board.

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* March twentieth, 1821, the Legislature at Harrisburg passed an Act granting a change in the charter as planned.

[16] See Justice Tilghman's reasons against changing the charter in photostatic copy.—Cathedral Archives.

## BIOGRAPHICAL NOTICE

JOHN LEAMY, a native of Ireland, came to the United States from Spain. In the Directory of 1791, he is listed as "Agent for his Catholic Majesty," the King of Spain. Leamy was for many years president of the Marine Insurance Company in Philadelphia. His will is dated July 18, 1839, and probated December 7, 1839. The will is made in favor of his wife, Elizabeth Leamy and his daughters. They were not Catholics. In 1852 the daughters of Mrs. Elizabeth Leamy gave a lot of five acres of ground with buildings at the southeast corner of Lehigh Avenue and Front Street for the use of the Episcopal Hospital. This Hospital was opened December 11, 1852.

JOHN ASHLEY — In a record of court proceedings in Philadelphia, January, 1822, Ashley states that he was born a Catholic (of Catholic parents), that he was educated in France, where he observed the rights of irremoveable pastors. John Ashley was in Philadelphia in 1795, when the Asylum Land Company was organized for the benefit of French refugees. He was a shareholder in this Company, and one of the Managers of the Company in 1796. In 1802 Ashley was elected President of the Asylum Company. In the Philadelphia City Directory for 1829, Ashley is listed as President of the Philadelphia Insurance Company, at 94 South Fourth Street.

AUGUSTINE FAGAN was elected a member of the board of trustees of St. Mary's, April 8, 1817. During the years 1821 and 1822 the minute book is signed by Augustine Fagan as Secretary of the Board. The Memorial to Pope Pius VII June 15, 1819, is also signed by Augustine Fagan as corresponding secretary. In 1817 Fagan had a printing shop and book store at 133 South Front Street. The *Spiritual Mirror,* an early Catholic book of prayers and devotion was printed by him in 1811. According to a statement printed by Finotti (Bibliographia Catholic, p. 266-267) Augustine was not related to Nicholas Fagan, the architect and builder of the First St. Augustine's Church, destroyed by fire during the riots of 1844. John Fagan, a descendant of Nicholas Fagan learned the printing business in Augustine Fagan's shop, and later established the firm John Fagan & Son, Stereotype Founders of Philadelphia. Augustine Fagan died January 11, 1823, having just completed a pamphlet (Bishop Conwell says in the *Concatenation*) in favor of a new charter for St. Mary's. He was buried in St. Mary's cemetery the following day, January 12, 1823.

The first meeting of the new board of trustees was held April 25, the day after the election. In this meeting the bishop was excluded from his place as a member of the board of trustees on the ground of his not being a pastor of the church according to the charter. He had charge, it was admitted, of congregations in West Jersey, in Pennsylvania, and in Delaware, but he had not been " duly elected " a pastor of St. Mary's. The Reverend T. Heyden also was excluded from the board at this meeting because he had not been " duly elected."

Two adjourned meetings were held on the day following, April 26, at nine in the morning and again at seven in the evening. Other meetings were held April 30, May 3, May 8, May 14, May 16, May 21, May 25.

The bishop and Father Heyden attended no meetings after April 25, when they had been told that they were not members of the board. Father Cummiskey was present at all meetings until and including May 14. In this meeting Hogan was brought in and made chairman of the Board as "senior pastor." This is the first time that Hogan's name appears in the Minute Book as a member of the board of trustees. The trustees evidently found a reason for this action; but it is not recorded. The bishop and Father Heyden attended no meetings after the 25th of April, and were excluded from the Board "because their names had not been declared openly at the close of the election;"[17] while Hogan all at once, with no election or appointment recorded, becomes a member of the board, the chairman of the trustees and "senior" and the sole pastor of St. Mary's. It is not stated by what authority this was done. The fact is recorded, and the eight lay trustees are the only visible authors of the visible fact.

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[17] Trustees' Minute Book April 25, 1821: "The trustees of the Roman Catholic Society worshipping at St. Mary's solemnly protest against the appearance at the Board of the Right Reverend Henry Conwell and his participation in the transactions of the Corporation for the following reasons:

1. "Because he is not a Pastor of Said Church.
2. "Because his name was not declared openly in the presence of all the electors met at the time of concluding the election held on the 24th day of April instant as a pastor of the Church and Trustee.
3. "Because he is not a citizen of the United States.
4. "Because he has not been duly appointed a member of the Board."—(Trustees' Minute Book, April 25, 1821.)

Father Heyden had taken the place of Father Terrence McGirr, who had gone to the missions of Western Pennsylvania. In this meeting of April 25, Father Heyden was not formally excluded from the Board. But, in the meeting of May 28 the Board declares explicitly "The Reverend James Cummiskey can not any longer be considered as a pastor of St. Mary's Church, and consequently not a member of the Board of Trustees."—See Decision of Justice Tilghman in Cathedral Archives.

It was more than two weeks after this meeting, May 28, 1821, that the record is entered in the Minute Book that "the Rev. William Hogan who is now, and has been for upward of a year past, Pastor of St. Mary's Church in this City."—In this meeting of May 28, the Board also resolves that "The Reverend James Cummiskey cannot any longer be considered as a pastor of St. Mary's Church, and consequently not a member of the Board of Trustees."

Early in May the vestments and sacred vessels were removed from St. Mary's to St. Joseph's clergy house, where the bishop lived with Father Cummiskey and Father Heyden. It is evident that the bishop saw what must be the ultimate outcome of the election of April 24. He and his clergy would be forced to leave St. Mary's. The only place left for Catholic worship, outside St. Augustine's and Holy Trinity, was St. Joseph's Chapel, the original cradle of Catholicity in Philadelphia. This turn of events has proved to be a factor in preserving the venerable site of St. Joseph's Chapel. It was enlarged in 1821 to accommodate the faithful followers of the bishop from St. Mary's, and rebuilt in 1838.[18]

[18] On a tablet set in the outer wall of St. Joseph's is the inscription:

St. Joseph's Chapel

Founded ............ 1732
Enlarged ........... 1821
Rebuilt ............. 1838

The trustees in the meetings of May third, eighth and fourteenth take measures to recover the vestments and sacred vessels. A search warrant was issued, and served on the bishop May ninth, but the " utensils " sought were not delivered. The case was taken to the civil courts, and finally decided in favor of the trustees.

In the trustees' meeting of May twenty-first are recorded what would seem to be the final steps of the schismatics for complete separation. Provision is made for the transfer of pews at a fixed price for each transfer. This apparently contemplates the withdrawal of pewholders who remained loyal to the bishop.[19]

There was some legal difficulty in getting the seal of the corporation from the former treasurer Denis McCredy and other members of the board of 1820. In consequence of these complications of civil law, a new seal was authorized in the meeting of April 26, and provision was made for " all persons having claims against the Corporation of St. Mary's Church " that they " be notified by advertisement in the *American Sentinel* and *American Daily Advertiser* to furnish their accounts to the Treasurer, No. 338 Market St." The new seal was affixed for the first time to the Minutes of May 25, 1821.

[19] " Resolved that proprietors of pews in St. Mary's Church shall have the privilege of disposing of them, by paying for every transfer of a pew, in the body of the church, twenty dollars; and for every transfer of a pew, in the galleries, the sum of ten dollars."

# CHAPTER VI

## THE TRUSTEES ARE ADVISED BY JOHN RICO AND SERVANDUS MIERS — "CANONISTS" WHO SUPPORT HOGAN'S CAUSE

DURING the months April, May and June, 1821, two notorious adventurers appear on the scene in Philadelphia to add to the interest of the schism. They deserve notice here only on account of the publicity which was given to the "legal opinions" and "expert knowledge" of canon law which they expressed in favor of Hogan and his supporters.

John Rico was an ex-Franciscan Friar, who had been active in political revolutionary disturbances in Spain while Richard W. Meade was resident United States Consul at Cadiz in 1812. The revolution failed, and Rico found himself politically embarrassed. Through the kindness of Mr. Meade he succeeded in reaching America, where he engaged in the cigar business in New York—Later Rico came to Philadelphia, and in 1817 he was identified with a scheme to develop land and grow grapes and the olive in Alabama. Rico went to Alabama, where it is charged that he "married" a Mrs. Stewart Le Boutellier, formerly from Burlington, N. J. On May the seventh, 1821, Mr. Meade testified in a letter that funds have been advanced from Madrid for Rico's return to Spain, where he is to be reinstated in the offices of "Vicar-General" in the service of the army.

## Biographical Notice

Richard Worsam Meade was born June 23, 1778. In a pamphlet printed in 1823, he states that he belongs to the third generation of Catholic Philadelphia Meades. His father, George Meade, a wealthy merchant trader, had contributed to the building of St. Mary's Church, Philadelphia, in 1763; his grandfather, Robert Meade was one of the first congregation of Catholics in Philadelphia before St. Joseph's was built in 1732. After his education abroad, R. W. Meade was engaged in the interests of his father's business for some time in the West Indies. In 1801 he married Margaret Butler of Perth Amboy, a non-Catholic. In 1803, the Meades went to Spain, where R. W. Meade built up an extensive business in merchant exchange, banking and shipping. He also represented the United States as Consul at Cadiz. It was while they were residing in Spain that George Gordon Meade, later the hero of Gettysburg, was born, Dec. 30, 1815. He was baptized in the Catholic Church, January 8, 1816. The last record of Richard Worsam Meade's name in St. Mary's Minute Book is November 7, 1827. He died in Philadelphia June 25, 1828, and is buried in St. Mary's Graveyard.

Servandus Miers came to Philadelphia soon after Rico and was the guest of Mr. Meade. He was reputed to be a "Spanish Bishop". In a letter of July 22, 1821 to Archbishop Marechal, Bishop Conwell describes Miers as "an infidel Mexican priest", called "Bishop Miers," "lately escaped from the prison of the Inquisition."

Hogan's defense, from the beginning, had been that he had not had a fair trial, and had no opportunity to clear himself of charges made against him by the Administrator and the priests of St. Mary's. Rico and Miers both prove themselves now very helpful in defending and justifying Hogan. A great array of quotations from the *Corpus Juris Canonici* is found in the pamphlets published by Hogan's friends during the spring and summer of 1821.[20] As Rico and Miers present the case the bishop is wholly wrong, and Hogan is vindicated for the benefit of the public.

Both these canon-law experts left Philadelphia before the end of the summer of 1821. Whatever impressions were left by their activities in pamphleteering, one thing seems certain. Hogan and his friends made a capital use of their willingness to quote and to be quoted on particular interpretations of the law of the Church and her canons. The personal qualities and the qualifications of these canonists were brought to the surface again in 1823 by William V. Harold after his return to Philadelphia about the end of the year 1821.

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[20] A Pamphlet—*The Opinion of the Rt. Rev. Dr. John Rico, of the Order of St. Francis, D.D. and Vicar-General of the Armies of Spain on Differences existing between the Rt. Rev. Dr. Conwell and the Rev. William Hogan Relative to Canons quoted by him (Hogan) and their application in support of his claims of St. Mary's Church issued in May, 1821.*

The Miers Pamphlet was published July 11, 1821. The opinion of the Rt. Rev. Servandus A. M. Miers–D.S.T. (S.T.D.?) in the Royal and Pontifical University of Mexico, and Chaplain of the Army—on certain Queries addressed to him by Rev. W. Hogan, Pastor of St. Mary's. This pamphlet was answered by "Remarks on The Opinion" which brought out a retort from Miers — "A Word Relative to an Anonymous Pamphlet," published in August, 1821.

The pamphlets of 1823 revive interest in the old trouble, but add nothing new.

The Hogan supporters were evidently making strenuous efforts to prove their course correct according to canon law. They had written to the Archbishop of Baltimore.[21] They say in this letter that Hogan had received no answer, apparently, to an earlier appeal. The pleading of this memorial, as it is called, betrays rather a one-sided mentality. Comparing the style with other essays of Hogan it strikes one as more like a composition of Hogan's than the work of the men who subscribe their names—John Leamy, John Ashley, Joseph Dugan, Michael Doran, Timothy Desmond. The whole memorial reads like a lecture to the Archbishop on what had been done in Philadelphia, and what he ought to do.

The following is an example of what looks like Hoganesque reasoning:—" All ecclesiastical and civil power is delegated, and all authority is the will of the Superior operating through the instrumentality of an inferior agent."

" When delegated authority is exercised in measure and manner for the end designed there can be no wrong, no civil offender, no scandal, no sense of grievance, no complaint; for all ecclesiastical authority is delegated by God, and all civil authority by the people, when free; in both cases the measure is always proportionated to the end, and in every instance [it] is the moral and civil welfare of the people. Therefore, when the people complain and resist authority, there is indisputable evidence of abuse. The power then hath degenerated in tyranny, and tyranny is cruelty in the end."

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[21] The date of the Trustees' Letter to the Archbishop is March 13, 1821.

It is not quite clear how the premises hold the conclusion in this philosophy of authority and government, but the concluding sentence tells plainly that they promise secession.

" These considerations," they say, " are submitted to your Grace, and with them we respectfully and fearfully suggest the possibility of a secession, if means are not used to reconcile the prelate and his Curate."

The Archbishop's answer is dated March 15, 1821.

" Gentlemen — I am sorry to be under the painful necessity of informing you that my jurisdiction as metropolitan does not extend to the case which is now the source of the enormous scandal existing in your city. But, if, for want of competent authority, I can not, as the head of this ecclesiastical province, pronounce upon it, I may yet, as a Catholic Prelate and your sincere friend tell you that, independently of the charges brought against Mr. Hogan, his infamous pamphlets exhibit numerous proofs that he is a most abandoned character; and that by defending his cause you can not but infallibly involve yourselves, your families, and perhaps many hundreds of your fellow Christians in guilt and a boundless spiritual misery."

" Surely it would be more grateful to me to give you an answer consonant to sentiments expressed in your memoir, but my duty to Almighty God, my attachment to the Catholic Church, and my ardent wish for your temporal and eternal happiness do not permit me, in such a momentous case, to speak to you any other language but this of plain truth and episcopal sincerity."

I remain respectfully—Gentlemen
Your obt. humble svt.
Amb. Arch. Baltimore.

to
John Leamy
John Ashley
Jos. Dugan
Mich. Doran
Tim. Desmond.

This correspondence with the Archbishop was followed by the trustees' Memorial to Pope Pius VII dated April 10, 1821, which is not printed here. Then came the election of trustees, all Hogan's supporters, of April 24, the exclusion of the bishop and his clergy from the board,[22] and the activities of the canonists, Rico and Miers, described above. It was clear to Bishop Conwell long before the middle of May, 1821, as is seen in his letters to Archbishop Marechal, that he could not condone the attitude of Hogan and his friends. They had secured themselves in St. Mary's and they defied the right of the bishop to direct or govern them. Interdict and excommunication were inevitable, though it meant, as he saw it then, the loss of St. Mary's. In a letter to the Archbishop dated April 2, 1821, Bishop Conwell says:—" Except for losing St. Mary's, the loss of Hogan's adherents is an acquisition: men never known to approach the sacraments, despicable ex-Catholics. All the Libertines and bad people of both sexes are for him, and ready to fight in his battles." He says also in this letter: " That the bishops approve my conduct is a great consolation."

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[22] The Bishop and Father Heyden were excluded as seen above, in the meeting of April 25. Father Cummiskey was read out of the Board in the meeting of May 28.

# CHAPTER VII

## HOGAN IS EXCOMMUNICATED

HOGAN'S conduct was making his exclusion from Catholic communion inevitable. A warning, the first canonical admonition was announced during the Mass at St. Joseph's Chapel Sunday morning, May 8. This was repeated in writing and delivered to Hogan by Fathers Heyden and Cummiskey, Sunday May 15. " One more admonition, and the excommunication will be published against Hogan," the bishop writes in a letter addressed to Archbishop Marechal, May 16, 1821.

" A Committee of Catholics had called that same day ", the bishop says in this letter, " to suggest that the Archbishop " be invited to be present for the publication of the sentence against Hogan. The Archbishop, in his reply, declines to come, but he says: " Surely my personal presence could not add any force to the opinion I have expressed in a manner so explicit. What, then, can I do in your behalf and that of the church in Philadelphia, in the present circumstances? "

He adds:—" In case, My dear Lord, you do pronounce a sentence of excommunicaiton against that most wicked priest, be pleased to send me your sentence and some of the principle motives on which it is grounded. I have no doubt that it will be in my power to approve it; and not only will I sanction its justice, but I will have it published in all the churches of the Diocese."

The sentence against Hogan was pronounced by the bishop in St. Augustine's Church,[23] Sunday, May 27, 1820, in the presence of Fathers Hurley, Cummiskey, Heyden, Roloff and Doyle. The form of the sentence was sent, as requested, to the Archbishop in Baltimore. A copy was sent also to Bishop Cheverus in Boston.

An absurd parody of the form of excommunication, adapted from Lawrence Sterne's *Tristam Shandy,* was circulated later. The text of this spurious form will be found in Bishop England's works, vol. 5, p. 112.

In what appears to be an act of retaliation the trustees of St. Mary's met on the day following Hogan's excommunication, May 28. They proceeded first to read the Reverend James Cummiskey out of membership on the board of St. Mary's trustees, "because he has neglected to attend any meetings held since May 14" (when Hogan was declared to be pastor and made chairman of the Board). Then they declared that "The Reverend James Cummiskey can not any longer be considered as a pastor of St. Mary's Church," because "he has absented himself — and neglected to discharge his pastoral functions there." Third, in protest to the action of the bishop, who "yesterday, the 27th of the month of May did go from the chapel of St. Joseph to the church of St. Augustine, and there, assisted by his coadjutors, Frs. Hurley, Cummiskey, Heyden, Roloff and Holland (Doyle?) did utter and publicly pronounce the awful sentence of excommunication against the Rev. William

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[23] St. Augustine's was chosen evidently because it was the only church in the city that would hold a representative congregation. Holy Trinity was for the Germans, St. Mary's was closed, St. Joseph's was too small.

Hogan, who is now, and who has been for upwards of a year pastor of St. Mary's Church in this city."—

"Be it therefore resolved that all the episcopal insignia now in St. Mary's Church be forthwith taken down and removed to a place of safety."

"Be it further resolved that the conduct of the Rev. Michael Hurley in having lent himself and the church of St. Augustine for so infamous, disgraceful and scandalous an act as that which was enacted there by Bishop Conwell and his chapter, merits and receives our most decided reprobation."

## CHAPTER VIII

### MEMORIAL TO POPE PIUS VII — ADDRESS TO CATHOLICS THROUGHOUT THE UNITED STATES—DESIGNS TO CHANGE THE CHARTER OF ST. MARY'S —DECISION OF THE SUPREME COURT—PAST ACTS OF BOARD INVALID.

THE Memorial to Pope Pius VII, a photostatic copy of which is kept in the Cathedral Archives, is dated April 10, 1821. This was fourteen days before the election of trustees, April 24. This Memorial is signed by a committee of St. Mary's congregation. It is not the official act of the trustees, though it evidently expresses the sentiments of Hogan's partisans. In a meeting of the trustees held June 4, the same subject of a petition to the Pope and a protest against Bishop Conwell was considered and referred to a committee. In the meeting of June 11 the " Petition " prepared by the committee was approved and ordered to be transmitted to His Holiness."

The Memorial is to be valued for the facts which it records; but the constructions which are put upon private conversations between the administrator and the bishop, the motives which are assigned for actions of the priests and their prelate are, aside from the seriousness of charges made, quite absurd. Thus it is said that Father DeBarth " was vehemently prejudiced and exceedingly envenomed against the young clergyman (Hogan). "This temper " of the Very Reverend Administrator is said to be not " the rightful indignation of a superior for rule violated by an inferior—but " the viper's envy, whose essence is poison, whose very touch inflicts a deadly wound." Again:— " He made many oral communications to the bishop respecting Mr. Hogan's private and public conduct; all calculated to beget distrust and dislike, all alike bearing injuriously on the character and standing of Mr. Hogan, and contrived to generate in the bishop jealousy in regard to his own dignity and future influence."

This memorial to the Pope was followed by another action of a committee, which is not recorded in the minute-book of the trustees—" The Memorial Address to Catholics throughout the United States," dated June 18, 1821.

The text of the Address may be seen in the Cathedral Archives. What is quoted here will make it clear that the aim of the trustees now seems to be to reach out over the country, to form a new, American system of Church government and discipline independent of " Certain foreigners "—" sent among us by the Junta or Commission direcitng the Fide Propaganda of Rome."

A strange characteristic of this new American system is that it follows exclusively the lines of late European models. Its pattern is found, not in the facts and the constitution of the Apostolic Church, independent of the state, and independent of civil organizations, but in the political agreements and arrangements of the Church with the states and the powers of Western Europe, particularly the later agreements of the eighteenth century and the nineteenth. This American plan is to be a working system of " Patrons " who are to have the right to present their candidates to the bishop. After this pattern they would make every parish a corporation in civil law; and the trustees of each congregation would be the employers, according to law, and the paymasters of the priests whom they chose to engage.

Miers, the canon-law specialist, Hogan's adviser and the friend of Richard W. Meade was still in Philadelphia. It is not improbable that his ideas on patronage and presentation, his knowledge of the theory and practice of concordats and ecclesiastical agreements with the various powers of Europe were guiding factors in the drawing up of this new "American plan." The defect of course is that the idea of the Divine Founder is left out. The Church is seen, in this "American plan," not as she is, constituted by Christ to continue her Apostolic work among nations independent of the civil powers that come and pass in America or Europe or the other continents of the earth; but as an aggregation of corporations, like St. Mary's, chartered by the state to take care of finances and the administration of temporal support.

Instead of two distinct entities, God's creation in human, social life, Church and State, this system would make the Church of Christ, the teacher of all nations, subordinate to civil power, subject, in every local community, to the good will, the favor or the disfavor of a chartered civil corporation.

"It becomes our duty," the Address declares—"to adopt some general plan for the future management, and direction of a uniform system throughout the United States, without being compelled, as heretofore, to receive, to pay and to obey men who are a disgrace to our religion, to us, to themselves and to those who send them."

Here follows the Committee's interpretation of the European plan and the proposal to have the system transplanted to the United States with the *Jus patronatus* transferred to the Trustees.

"In all countries," they say, "where no other religion but the Catholic is acknowledged by the government, and even in those where no other is permitted, no such thing exists as the choice and appointment of the bishops and clergy by the See of Rome. The bishops are appointed by the respective governments, and by treaty or concordat, made between these governments, and His Holiness, the Pope, the bull is granted for the bishop, when named, to exercise his functions as a matter of course."

"In all these countries any person, who, by education, may be entitled to be admitted to holy orders, may become a priest: but his becoming a priest does not give him either authority or the means of subsistence."—

"The bishops in the provinces can ordain priests, but can not bestow on them livings. Their influence may be exerted to recommend them: but most generally the appointments of the parish clergy are made through the recommendations and the influence of the respective congregations or parishoners. In many large and opulent districts in Spain and Italy (and it was formerly so in France) they are exclusively nominated by the Lord or Owner of the district, who appoints whom he pleases to the most valuable and lucrative dignities of the Church (with the exception only of the bishop). And, when a priest is regularly appointed, he holds his office for life."

"We have, therefore," they continue, "taken the subject into serious consideration, and would propose to our fellow citizens of the Roman Catholic religion to join and select a person of respectability and literary acquirements who should proceed to Rome with full power and authority from the Catholics of the United States to enter into a regular and written agreement with our Holy Father, the Pope on the following basis":—

"I—That, while we acknowledge the authority of the Head of the Church as our spiritual Father, and consent to conform to the rules and regulations adopted by the Holy See, as respects our religion, we claim the exclusive right, which always belonged to the Church, of electing our own pastors and bishops: and when a bishop shall be elected by the trustees and congregations of each respective state, he shall be ordained in this country, and receive the Bull of approbation from Rome as a matter of course."

From the scope of this plan and the sweeping demands "to have the exclusive right to elect our own pastors and bishops" it seems quite evident that the Hogan affair at St. Mary's was meant in the design of the Trustees to be little more than an episode in the general movement to establish something like "a democratic rule," a system in which the Apostolic work of the Church would be made subordinate to the good will or the favor of trustees incorporated by the power of the state.

The Hogan trouble was serious in itself and far reaching in the results of its appeal to public sentiment and human passions. But, as we study it now in its proper place, connected with other agitations throughout the country, it is seen more as an acute phase and a localized and particular crisis in a time of transition, when the Church in the United States was still struggling for life and organization.

There were grievances, of course, quite real on the side of the trustees, for which the congregations and trustees are not to be blamed exclusively. But the stand which is taken by this Committee of St. Mary's, addressing Catholics throughout the United States, is surely not in range with the divine plan of the Church. The autonomy which they claim, and for which they demand recognition is not the organic unity of a living branch in the one true vine, the Catholic Church with its perennial message to all nations for all time.

The plan, as it is outlined, would be simply an aggregation or independent parishes. The principle of unity would be, not the divine authority of Apostolic commission, but the united will and the power of civil corporations with the "exclusive right of electing their own pastors and bishops," then controlling the Apostolic trust and work from the Treasurer's office in every local board of trustees.

An act of the legislature of March 20, 1821, as has been noted before, grants a petition to change the original character of St. Mary's. But the petition is granted on condition that the Attorney General and the Supreme Court of the State decide that such change or changes are permitted by a statute of April 10, 1791, which refers to corporations, their charters and by-laws. The first decision of Justice Tilghman was published April 18, 1821. This was just six days before the election of the first full board of trustees (Hoganite). From the text of this decision, it is evident that the petition was made not by the trustees or representatives of the corporation, but by a committee which claimed the right to speak for the congregation. The committee was made up of Hogan's supporters. Some members of St. Mary's had appeared before the Court with their counsel and protested against the proposed amendment to the charter.[24] The Court decided that a request to change a charter must come, not from members of a congregation or from a committee representing any number of members, but from the trustees who are empowered by the charter to carry on the business of the corporation. Such a petition moreover must bear the seal of the corporation. It must also specify what changes are to be made.

The new trustees, in their first meeting, April 25, 1821, proceed to ratify the action of the committee on changing the charter. The minutes note that they "respectfully hereby specify the improvements, amendments and alterations which are desired."

No record of the specific changes intended is made in the minute book until June 28, 1821. In this meeting the system outlined in the Address of June 18 is given definite form for the proposed new or amended charter.

"Resolved that the following improvements and alterations in the charter of incorporation, approved by the members of the congregation held on the 7th day of April, 1821, be and they are hereby approved and adopted; and it is hereby further resolved that Messrs. Doyle and Fagan be a committee to have the same confirmed by the proper legal authorities." The amendments follow:—

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[24] It is to be noted the petition did not specify what changes were contemplated, but only the power to change the charter.

" That the future trustees of St. Mary's Church shall consist only of eleven members [of eleven members only] of said congregation, who shall be pew holders and citizens of the United States, and of the commonwealth of Pennsylvania; and who shall be competent to organize themselves, and have all the powers and privileges possessed and exercised by the trustees appointed and elected under the original act of incorporation.[25] Provided, that whoever of their number may be appointed treasurer, shall be required to give sufficient security for the faithful discharge of his duties."

" That the time of holding the election for said trustees shall be on the first Monday of January in every year. The first election to be holden on the First Monday of January, 1822, between the hours of eleven A. M. and four P. M., until which time the following persons qualified, as aforesaid, shall be trustees, to wit:—John Leamy—John Ashley—Joseph Dugan—Louis Clapier—Richard W. Meade—Timothy Desmond — John Doyle — Augustine Fagan — John Dempsey — Patrick Connell — Joseph Strahan, whose duty it shall be to elect from the members of said congregation, qualified, as aforesaid, such person or persons as may be necessary to supply any vacancy in their number occasioned by any cause whatsoever; and it shall be competent to any seven of said trustees to form a quorum or board for transacting the affairs of said society—any thing in the aforesaid act of incorporation contained to the contrary notwithstanding.

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[25] This evidently refers to the decision of the Court, which requires that the changes from the original text of the Charter be specified in particular.

Resolved that John Doyle be authorized to employ Horace Binney, Esq., as counsel for the corporation.

Adjourned to meet next, the 2nd of July, at 8 P. M.

AUGUSTINE FAGAN—Secy."

There is no record of a meeting held July second, but on the ninth of July it is recorded "that the application to the Supreme Court to sanction the amendments and alterations of the Charter of Incorporation, adopted at a meeting of the Board of Trustees held on the 25th of April, 1821, be attested by seal adopted by the Board of Trustees on the 25th of May, 1821, in order that it may be again presented to the Supreme Court for the same purpose."

This action of the trustees was necessary evidently to meet the requirements of the Court's decision, that a petition for a change in the charter must come from officials who are responsible for the acts of the corporation: and, that some specific evidence must be given to the court of amendments or changes to be made in the original charter.

The second decision of the court on the amended application for changes in the charter was made public in December. The text of this decision given by Justice Tilghman is preserved in the Cathedral Archives. This decision is even less favorable to the trustees than the former one given in April, 1821.

In his argument against the right of the board, as it was constituted in June, 1821, to change the charter,[26] or even to ask for power to have it amended, Justice Tilghman makes clear some solid principles of law and the logical rights of the Church to be governed according to her own rules, canons and discipline.

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[26] The original Charter was granted September 13, 1788.

" No provision was made," he says, " for an *alteration of their charter,* because no alteration was intended. It by no means follows, therefore, that a majority of the whole number of Trustees can alter the Charter because a majority could manage the ordinary business of the society—And this will be more evident when we consider the nature of one of the alterations now proposed, which is nothing less than to strike the whole body of the clergy out of the charter, to annihilate them. How can it be supposed that any thing like this was the contemplation of those persons who may be called the founders of this church, those who purchased the ground and built the chapel? Having taken such care to place their pastors in a reputable situation, in the body corporate, can it be imagined that they intended to leave it in the power of their successors to expel them? And, if it was not intended, how can it be done? "

The Justice had made the point above that " it was not asserted that the lay members of this society had ever claimed the right of *appointing* or *removing* a pastor. When the charter speaks of the " pastor *duly appointed,*" it refers to the rules and discipline of the Roman Catholic Church." [27]

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[27] Justice Tilghman turns from the subject of the competent powers of the trustees here and puts on record what he thinks of the old stock charge about the divided allegiance of Catholics. " Something was said in the argument " he continues, " of the danger of a foreign head of an American Church. But our laws

The logical conclusion of course is that the action of the trustees in excluding Father Cummiskey from the board and declaring "that he can not any longer be considered a pastor of St. Mary's Church"—the action of May 28, 1821, must be reconsidered; and the subsequent "appointment" of Hogan, for the time, must be reversed, to conform to the court's decision and the powers granted by the charter. The action also of the earlier meeting of April 25, 1821, when the trustees "solemnly protested against the appearance at the Board of the Right Reverend Henry Conwell and the Reverend Thomas Heyden and their participation in the transactions of the corporation" for reasons then assigned must now be reversed to conform to the decision of the court.

Accordingly in order to meet what they call "the views of the honorable, the Judges of the Supreme Court of Pennsylvania in relation to the proceedings aforesaid" . . . "The preamble and resolutions—and every part thereof . . . are totally rescinded and repealed."[28]

have expressed no apprehension of such danger and, if our Roman Catholic brethren do in conscience believe that the power of conferring or withdrawing the sacred rights of the clergy has been handed down in sure succession from the holy Apostle, St. Peter to the present Pontiff, Pius the 7th, the people of the United States of America have seen nothing in this belief either criminal or dangerous to civil liberty.—Neither has it been remarked that during our revolutionary struggle or any trying occasion since, the members of that church have been less patriotic than their fellow Christians of other denominations.—Their priests, therefore, are entitled to, and will receive the same protection as other clergy."

[28] This refers to the meeting of April 25, 1821.

The text of this reverse action of the trustees is given here in full.

### ST. MARY'S CHURCH, DECEMBER 31, 1821

### THE EXCLUSION OF BISHOP CONWELL AND FATHER HEYDEN

"At an adjourned meeting of the trustees of the Roman Catholic society worshipping at St. Mary's Church in the city of Philadelphia: present the Rev. Wm. Hogan, Messrs. John Doyle, Joseph Dugan, Joseph Strahan, John Dempsey, John Leamy and Augustine Fagan, the following preamble and resolutions were read and adopted, to wit:—"

"Whereas at a meeting of the trustees of St. Mary's society worshipping at St. Mary's Church in the city of Philadelphia, on the 25th day of April, 1821, certain protests and proceedings were introduced and recorded in relation to the Right Reverend Henry Conwell and the Rev. Thomas Hayden (Heyden): and whereas the said Rt. Reverend Henry Conwell and the said Thomas Heyden, from that time, absented themselves from the meetings of the Board, and whereas it is believed that the said Right Rev. Henry Conwell and the said Rev. Thomas Heyden have misunderstood the object and design of the protest and proceedings aforesaid; and whereas it is deemed advisable and just to guard against all future misconceptions and error in relation thereto—"

"Be it, therefore, and it is hereby resolved that the intent, object and design of the protest and proceedings aforesaid were not to exclude and expel the said Right Rev. Henry Conwell and the said Rev. Thomas

Heyden from their seats at the Board, but to record certain objections which had been suggested as to the sufficiency of their claim, without acting definitively upon them; and to prevent any inferences from the silence of the said trustees, that might preclude them, at all subsequent times from expressing and acting upon opinions unfavorable to the said claims, if circumstances should render it necessary."

"And it is hereby further resolved that the said Right Rev. Henry Conwell and the said Thomas Heyden are and always have been at full and entire liberty to attend at the meetings of the Board, and to participate in its transactions and concerns; and that their absence has been heretofore, and should it be persevered in hereafter, will be perfectly voluntary."

"And be it further resolved that a copy of the resolutions herewith adopted under the seal of the corporation and the signature of the Secretary be delivered to the Right Rev. Henry Conwell; and that a copy of the same, certified in like manner be delivered to the Rev. Thomas Heyden."

## The Exclusion of Father Cummiskey

"Whereas at a meeting of the Trustees of the Roman Catholic society worshipping at St. Mary's Church in the city of Philadelphia, on the 28th day of May, 1821, a certain preamble and resolutions were adopted and enacted in the words and figures following, to wit:—"

"Whereas the Rev. James Cummiskey was admitted by the Board of trustees of St. Mary's Church to take his seat at the said Board of the meetings held on the 25th, 26th, 30th of April, and on the 3rd and 8th of

May last in the capacity of president of the Board, being the only pastor present; and whereas the Rev. William Hogan, on the night of the fourteenth of the same month resumed his station as pastor of said Church; and, according to seniority took the chair, and presided over the board; and the Rev. James Cummiskey having also attended, was placed on the right of the president's chair; but, having thought proper, in the course of the sitting, to express his disapprobation and dissatisfaction in being superseded, and having since fully confirmed the same by absenting himself altogether from the board, although several meetings have been held since, and having also absented himself from St. Mary's Church, and neglected discharging his pastoral functions therein:"

"Be it, therefore, resolved that the Reverend James Cummiskey can not any longer be considered as a pastor of St. Mary's Church and consequently not a member of the board of trustees of the said Church; having voluntarily vacated his seat at the said board, and neglected or refused discharging his pastoral functions in said Church:"

"And, whereas the trustees aforesaid are desirous of meeting the views of the Honorable, the Judges of the Supreme Court of Pennsylvania in relation to the proceedings aforesaid:"

"Be it, therefore, and it is hereby resolved that the preamble and resolutions aforesaid and every part thereof be and they are hereby totally rescinded and repealed; and that the said Rev. James Cummiskey is at full and entire liberty to resume his seat at this board, with all the rights and privileges which belonged or appertained to him at (that time), or at any time before, the period of adopting the preamble and resolutions aforesaid."

"And be it further resolved that a copy of the resolutions herewith adopted under the seal of the Corporation and signature of the secretary be delivered to the Rev. James Cummiskey."

Adjourned to meet at this place on Wednesday evening, the 2nd of January, 1822, at 6 o'clock P. M.

AUGUSTINE FAGAN—*Sec'y.*

The trustees evidently were forced to recede from the stand they had taken, which they had held since April, 1821, by the final decision of the Supreme Court. The preamble of the minutes of this meeting is very like an apology to justify the earlier mistake. The fault in all these proceedings since the twenty-fifth of April is not *our* error, but *their* misunderstanding. At the distance of a hundred years this looks more like a shift to save face than the honest declaration of men who claimed to stand for the higher qualities of intellect and social life in St. Mary's.

We have no record of any arrangement made with the bishop and his priests for the meeting of the second day of January, 1822. Probably it was arranged by conference with no agreement in writing. If the object of the meeting had been stated as it stands now recorded in the minute book: in order to "confirm" and "make valid" the transactions of the Board in all meetings "held since the twenty-fifth day of April last" it seems incredible that the clerical members of the corporation should consent to attend. Even the place of the meeting is not recorded. It may have been in bishop's residence at St. Joseph's, or in the school, where other meetings were usually held. The priests present with the bishop were Father Cummiskey and Father Cooper,[29] who had taken the place of Father Heyden. Hogan, of course was not there. It is not stated who acted as chairman. Usually in other meetings the "senior pastor" presides. It is not improbable, I think, that it was an informal gathering and discussion; and that the preamble and resolution were entered in the minute book later on together with the protest of the bishop and priests.

The truth is that for eight months the trustees had had things all their own way, with Hogan as their spiritual head and leader and the bishop forced to leave St. Mary's. The decision of the court was a hard blow. They were told that the charter rights and the laws of the state would not sustain them. The meeting of January 2, 1822, seems to have been a desperate attempt to cover retreat, and, if possible, to secure lost ground.

The text of the "preamble" and the one "resolution" passed in this meeting of January 2, 1822, will make it clear that the clerical members of the corporation could not have consented consistently to attend a regular official meeting if they had been notified beforehand of the subjects to be proposed.

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[29] Father Cooper is The Reverend Samuel Sutherland Cooper—Father Cooper was a convert, received into the Church in the fall of 1807. He had been a man of wealth and refinement. He was ordained priest in Baltimore in 1818, and was engaged on the missions in Richmond, later in the diocese of Charleston, S. C. Father Cooper came to Philadelphia at the request of Bishop Conwell in order to aid in "making peace" with the schismatics. In 1823 Father Cooper made a pilgrimage to the Holy Land, but returned to Philadelphia. In 1831 he left America to live under the jurisdiction of Cardinal Cheverus in Bordeaux. He died in Bordeaux December 16, 1843.—See sketch of Fr. Cooper in *Catholic Directory,* 1845.

"ST. MARY'S CHURCH, JANUARY 2, 1822"

"At a meeting of the trustes of the Roman Catholic Society, worshipping at St. Mary's Church in the city of Philadelphia, present Right Rev. Henry Conwell, Rev. James Cummiskey, Rev. Samuel Cooper (substituted in the place of the Reverend Thomas Heyden as pastor of St. Mary's Church) [30] Messrs. Joseph Dugan, John Doyle, John Dempsey, Joseph Strahan, John Leamy, Patrick Connell and Augustine Fagan, the following preamble and resolution were adopted by a majority [31] of 7 to 3—the clerical members voting and entering their protest against it.

"Whereas certain proceedings have taken place at the various meetings of this Board, since the 25th day of April last, in relation to the sufficiency of which doubts have been entertained [32]—and whereas a full and competent board, above all exception, is now formed, whose acts and doings are, and must be considered valid and effectual and whereas it is important that the transactions aforesaid should be confirmed and made valid:—

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[30] It must be remembered that the Bishop and his priests were not worshipping at St. Mary's after the affairs of May, 1821. The substitution of Father Cooper for Father Heyden was, of course, by the Bishop's authority. Hogan, at the same time, was the only "pastor" in the pay of the trustees at St. Mary's. The others were actually and officially at St. Joseph's.

[31] After the decision of Justice Tilghman, it seems incredible that the trustees should expect the court to sustain the action of this majority against their pastors.

[32] That "doubts have been entertained" is not untrue; but the whole truth was that all acts of the board of trustees had been declared invalid by the Supreme Court.

" Be it resolved that all and every the acts, proceedings, transactions, resolutions, enactments and other doings passed, done, performed and entered into by the individuals attending from time to time as Trustees of the Roman Catholic society worshipping at St. Mary's Church in the city of Philadelphia, as contained and set forth in the Book of Minutes, kept as a record of the proceedings aforesaid, be, and the same are hereby ratified, confirmed and held for valid and effectual to every intent, object and purpose, as if the same were passed and enacted at the present meeting. And that the trustees aforesaid and their successors are, and for ever shall be bound and concluded thereby, as completely as they could be by any the most binding act or resolution of any body politic whatsoever."

### PROTEST

" Whereas it has been decreed by the Supreme Court of the state of Pennsylvania that all the meetings of the Board of Trustees of St. Mary's Church have been illegal in consequence of the Expulsion of the clerical trustees since the 16th of May last, and whereas a motion was made by the Board to approve the proceedings of the former meetings, it was urged and requested by the clerical trustees to postpone the consideration of the subject for the space of one week, in order to acquire the necessary information, which being denied —We the undersigned clerical trustees do hereby protest against the resolution as entered on the record of said Board."

Signed,[33]

HENRY CONWELL, Bishop of Phila.
SAMUEL S. COOPER
JAMES CUMMISKEY

Adjourned to meet at this place,[34] Wednesday, the 9th inst. at 6 o'clock, P. M.

Was this meeting planned as a piece of artifice to draw fire from the side of the bishop now entrenched at St. Joseph's supported by the loyal Catholics of St. Mary's or was it really thought that this action of a majority in a full meeting of the board would be held by the courts as a sufficient reason to reverse the former decision? We can not know. Whatever the motive was, the trustees and Hogan gained nothing by calling in the bishop and the rightful "pastors" of St. Mary's; and the bishop lost no ground by meeting his opponents.

There is no record in the minute book of a meeting held January ninth, as arranged in the meeting of the second. The meeting which follows is dated February 12, 1822. There is no further allusion to the former question of "validating the acts." The bishop was present at this meeting with Father Cummiskey and Father Cooper. The only question before the Board was a project to increase the seating capacity of St. Mary's by building new pews and collecting pew rents.

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[33] The signatures are all in the hand of the Sec'ty Augustine Fagan. The signatures of the lay trustees follow the protest signed by the Bishop and Fathers Cooper and Cummiskey.

[34] The place was not given.

Naturally such a plan for the benefit of Hogan was protested by the bishops and the priests :—

### Protest of the Clerical Trustees II

" Whereas the Judges of the Supreme Court of Pennsylvania have declared that all the acts of the lay trustees subsequent to the expulsion of the clerical trustees have been illegal and invalid; and whereas the money expended for the erection and building of the new pews in the church of St. Mary, and for several other purposes, have also, in consequence, been illegal: —We, therefore, the undersigned clerical trustees, in confirmation of the protests signed by us on the 2nd of January last, do hereby enter our protest against all and every act of the lay trustees during the expulsion of the clerical trustees, and against the letting of the new pews for the ensuing election of trustees for said church of St. Mary.

Philadelphia, February 12, 1822.
Signed HENRY CONWELL
Bishop of Philadelphia
SAM. S. COOPER
JAMES CUMMISKEY

Adjourned to meet at this place, Tuesday evening next, the 19th inst. at 7 o'clock.

None of the clerical members were present at the meeting of February 19. The following meeting, March 13, was attended by Father Cummiskey—The note appended in the Minute Book, says that :—" The presiding officer (Father Cummiskey) refusing to put the question on the first resolution, as well as on the motion for adjournment, that duty was at the instance of the meeting discharged by John Leamy, Esq. A protest was offered against the first resolution, which, being little more than a transcript of those formerly made, its insertion is deemed unnecessary — A. F." (Augustine Fagan).

In the meeting held April 6, to arrange for the trustee election to be held April 9, 1822, Father Cooper and Father Cummiskey were present, and no protest is recorded. The election of trustees of the ninth of April and the new troubles which followed will be resumed in a later chapter. Our narrative here must go back to take up some of the outstanding facts and the activities of both sides during the summer and autumn of 1821 and the following winter.

# CHAPTER IX

## BISHOP ENGLAND INTERVENES—HAS PERMISSION OF BISHOP CONWELL TO ABSOLVE HOGAN AND RECEIVE HIM INTO THE DIOCESE OF CHARLESTON—HOGAN IS ABSOLVED—RETURNS TO THE EMPLOY OF THE TRUSTEES

BEFORE the trustee election of April 24, 1821, Hogan had published a series of three pamphlets. These pamphlets are in fact, continuations of one subject—" An Address to the Congregation of St. Mary's Church, Philadelphia." Archbishop Marechal had referred to the first " Address " as " The most abominable pamphlet that has ever disgraced the Church of God in this country." [35] In the second address, which was issued February 2, 1821, Hogan finds occasion to make a display of rhetoric in praise of the Bishop of Charleston, John England. Bishop England is hailed as " a star that has risen in the South, the luster of whose brilliancy will disperse these clouds of unmanly envy, low jealousies and provincial prejudices that have for a long time lowered over religion in this country and impeded its progress "—" with such a prelate in this country, it is fondly hoped, our religion will flourish; with such a parent to advise them its children will not disobey; with such an orb to light them its prelates can not stray."

It has been suggested that this flowery tribute was meant by Hogan to open the way to intervention by

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[35] See the Archbishop's answer to the Trustees, March 15, 1821.

Bishop England. We can not know the motives of men, but judging from other indications of Hogan's character, it does not appear that there was any motive beyond that of winning the applause of a crowd of admirers.

Hogan did invite intervention and outside arbitration; but he knew certainly that the very nature of his earlier offenses would secure him against too close a scrutiny of his private life. He knew that while Bishop Conwell might welcome any opportunity to get him out of the diocese, he would hardly agree to have another bishop step in to reopen the question of his right to judge the case as he did, or his right to refuse to extend the faculties of the diocese to one whom he knew to be unworthy and rebellious.

Bishop England's own account of his visit to Philadelphia and his good endeavors to reconcile Hogan are described in his Diurnal.[36] His later interest in the case and his correspondence with Bishop Conwell were printed in the issues of the *Miscellany* and republished in the *Works of Bishop England,* Vol. V.—Reynolds Edition, 1849—pp. 109-213.

Bishop England was in Philadelphia the first day of September, 1821. He says that he was invited to preach[37] by Father Cooper, but "declined, as the bishop was not at home, and I was not sufficiently acquainted with the foundation of the divisions which agitated the Church—The Rev. Mr. Hogan having been placed in possession of St. Mary's which was taken from the bishop by the trustees, and given to him, he having been told by the bishop that he either withdrew his faculties or suspended him. He (the bishop) then placed the church under Interdict and Excommunicated Hogan, who continued to officiate."

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[36] Bishop England's Diurnal was printed in *Records of the American Catholic Historical Society,* 1895, Vol. VI, pp. 184-224.

[37] In St. Joseph's: St. Mary's was closed to Catholics who remained loyal to the Bishop.

Under date of September 5, 1821, Bishop England, who had gone on to New York, where Hogan had also followed him, describes a "confidential conversation" with Hogan. It was agreed that, if Bishop Conwell would consent to the arrangement, Hogan was to go to Charleston. He was to be received into the diocese of Charleston and was promised honorable employment together with another adventurer from Limerick named Anthony O'Hannan; all on condition of course, that Bishop Conwell agreed to release Hogan from canonical censures.[38]

It seems evident that Bishop England knew that he was dealing with men whom he could not trust. He writes in the *Diurnal* for the sixth day of September that O'Hannan was instructed by him to go back to Philadelphia with Hogan, and, returning to bring Bishop Conwell's answer. He says that he gave him (O'Hannan) a "private instruction to try and prevail upon Rev. Wm. Hogan not to officiate." Later the bishop was informed that Hogan had officiated as usual in St. Mary's, and that O'Hannan added to the solemnity of the services by his presence in the sanctuary vested in a surplice. Other communications from Philadelphia informed the bishop that it was rumored that he (Bishop England) would support Hogan's cause against the Bishop of Philadelphia.

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[38] It is not clear to us now just how Bishop England hoped to accomplish any good for religion in Charleston by means of men like Hogan and O'Hannan. His plan, it is true, did not succeed, but at this point he surely must have expected to bring them into line with ecclesiastical discipline.

The trustees at St. Mary's took an active part in the new developments. On the seventeenth of September, very probably acting on information of Hogan after his return from New York, a committee was appointed "to wait on the Right Reverend Doctor England on his arrival in Philadelphia to tender him the respects of the Board and to solicit his good offices for reconciling the differences in St. Mary's congregation" — Messrs. Leamy, Ashley and Fagan were named to serve on this committee.

Just at this time new charges were made in Philadelphia damaging to Hogan's moral character. The case was reported to Bishop England in New York by a letter signed: — "A warm friend to the party". This "friend" requested that O'Hannan be sent back to Philadelphia to give testimony in Hogan's favor. This case was tried in the Mayor's Court in April of the following year, 1822. A complete report of the wretched affair was issued in book form, two hundred and seventy-two pages, with an appendix and topical index. If this book has any value today it is that it shows partisanship at its worst, void of a common sense of propriety—Hogan was acquitted by the jury—It is not stated who paid for the printing of the book. But it is evident that Hogan's friends regarded it as a vindication and a triumph of their hero in the civil courts.[39]

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[39] The title of the book is—"*The Trial* of the Reverend William

Bishop Conwell was in New York October 10; and the Bishop of Charleston says that they had a long conversation; that he failed to satisfy the Bishop of Philadelphia in what he called his "proposal of interference." "He declined giving me any power save that of receiving Reverend Wm. Hogan into my diocese and absolving him from censures, did he come."

Consistently and in justice to the loyal Catholics of Philadelphia, Bishop Conwell could hardly yield more. Bishop Conwell could and did count it a gain to be rid of Hogan; but to reopen the case of Hogan, to submit the decision of December 19, 1820, to the arbitration of the Bishop of Charleston, would not be a simple yielding to the request of a brother bishop, or an act of condescension in favor of an unworthy priest who insisted on his right to remain as rector of St. Mary's; it would be in reality submitting to the trustees who were insisting that they had the right, despite the bishop, to retain Hogan at St. Mary's so long as he measured up to their standard of a pastor.[40] The action of the trustees which followed the absolution of Hogan by Bishop England and the subsequent correspondence between the Bishop of Charleston and the

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Hogan—Pastor of St. Mary's Church—for an Assault and Battery on Mary Connell—Tried before the Mayor's Court in and for the city of Philadelphia, on Monday the first day of April, 1822, and succeeding days. Including the speeches of Counsel on both sides at length, the examination and re-examination of the witnesses, *verbatim*, together with the anonymous correspondence, etc., to which is added a digested index, the whole taken in short hand by Joseph A. Dowling, Stenographer, 44 South Sixth Street, Philadelphia. Published by R. Desilver, 110 Walnut Street, 1822.

[40] See the demands of the trustees in their Memorial to the Pope and their Address to Catholics in the United States.

Bishop of Philadelphia published in the *Miscellany* will show that Bishop Conwell was not wrong in his estimate of the trustees and their friends in Philadelphia.

After the " conversation " with Bishop England, in New York, Bishop Conwell proceeded to Canada. His purpose was, by arrangement with the Bishop of Quebec, to raise funds to pay for the proper fitting up of St. Joseph's, which had been enlarged during the summer months of 1821. An organ had been purchased and other furnishings were needed. The bishop was in communication also with the mother house of the Ursulines in Quebec looking to the establishment of a branch of the sisterhood in Philadelphia. The plan was evidently to have the Sisters open a girls' school to take the place of Bazeley's Academy.[41] Charles Bazeley had made himself a leader in the Hogan faction, and his school could hardly be recommended to the patronage of parents who had been turned out of St. Mary's.

Bishop England returned to Philadelphia from New York on his way to Charleston, October 16. He says, in his *Diurnal,* that he was greeted by Hogan, O'Hannan, and many friends and supporters of the schism. He says that he refused to see the friends of Hogan " until he should have arranged matters with W. H." He adds, however, that he had " several conversations with O'Hannan and others on the subject of the schism." Father Cooper invited the bishop to say Mass the next day at St. Joseph's. " But at night I was called upon," he says, " by some of the adherents of W. H. to say that, if I celebrated in St. Joseph's on the next day, I could effect no reconciliation, upon which I, after mature deliberation, determined to celebrate in the church of the Holy Trinity."

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[41] Bazeley's School was at the corner of Fourth Street and Willing's Alley.—See *Concatenation,* p. 86.

It is not easy to see now what Bishop England could have hoped to gain by rejecting Father Cooper's invitation and passing over the threat of the schismatics. As we look back now and see the main points of fact, apart from the minor circumstances of the time, the only inference seems to be that the trustees and their party were using Bishop England and Hogan and O'Hannan and the other adventurers to fight Bishop Conwell, to win their cause, that is, to hold what they called their right to have the appointment and the approval of priests to serve at St. Mary's.

October the seventeenth, Bishop England records several interviews with the priests at St. Joseph's, with Father Hurley of St. Augustine's, Father Kenney of Coffee Run, O'Hannan and Hogan. "The Latter," the bishop says, "pledged himself to abide by my decision."

After Mass on the following day, October eighteenth, the bishop gave Hogan a formal letter of petition to be signed, in which he (Hogan) requests to be received into the diocese of Charleston, decides to leave Philadelphia, and declares that he will abide by the decision of the bishop and that of the Holy See upon his former conduct.

Hogan hesitated at first, the bishop says, and wished to have an interview with his supporters. The bishop refused this interview; but told Hogan that the letter which he required would make him (Hogan) a subject of the diocese of Charleston. After the signing of the letter he would have no objection to a meeting with his friends. Hogan then retired to another room, wrote the letter as directed, and " in a few moments," the bishop says, " The Rev'd. A. O'Hannan brought me the letter, which I answered by a note receiving W. H. (William Hogan) into the diocese of Charleston."

In the meantime a committee of Hogan's friends [42] waited to see Bishop England. They declared that Bishop Conwell's handling of the case had been " all wrong from the beginning." The bishop in reply says that he stated to them the " complete irregularity " of Hogan's conduct. If Bishop Conwell had done wrong,[43] redress was to be found by an appeal to Rome, not by irregular opposition. If they would consent to conduct themselves as Catholics, the bishop said that he himself would forward their complaints to Rome, if they had statements to make, and he would see that they got redress.[44]

One difficulty remained—the naming of a pastor for St. Mary's to take the place of Hogan. Bishop England of course had no power to appoint a pastor to any church in Philadelphia, and no commission from Bishop Conwell beyond the faculty to absolve Hogan from canonical censures and to receive him into the diocese of Charleston. St. Mary's, moreover, had been open only to the schismatics and their excommunicated pastor since May 15, 1821. Logically the only course for the followers of Hogan was now to wait until Bishop Conwell returned from Canada, submit to his authority and accept the rector whom he would appoint for St. Mary's. But no: the committee declared that the objections against Bishop Conwell's appointments were insuperable. It meant of course that the trustees must yield the ground which they had taken, that is, their claim to the right to choose their own priests, to judge of their fitness and to act as their paymasters.

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[42] Leamy, Ashley, Fagan.

[43] No particulars are cited to show where the Bishop was in error or how, whether in the law of the Church or in fact.

[44] It is difficult now, in the face of the demands of the trustees made in the Memorial to Pius VII and the Address to Catholics in the United States, to see how Bishop England could hold out hopes to the trustees for anything more promising or more conciliating than submission to the authority of their Bishop.

It does not appear just how the committee reached this decision touching the contingency of future appointments. But one point is clear. The whole subject was tied up inseparably with the old question of Hogan's fitness to be pastor of St. Mary's; and any question of Hogan's fitness comes back invariably to the point at issue from the first — the fitness and the right of the trustees to choose and name their own pastor.

Bishop England's *Diurnal* gives the account concisely of facts which followed, and ended finally in fiasco when Hogan returned to do the will of his employers, the trustees and the old faction at St. Mary's.

First—Hogan on his knees before the Bishop in the presence of O'Hannan and Father John Power of New York acknowledged that he belonged now to the diocese of Charleston; that he repented his former conduct and his "improper publications." He promised that he would submit to the judgment of Bishop England and that he would fulfil the requirements of the Holy See.

Second — The bishop then declared that he was empowered by Bishop Conwell to absolve Hogan from censures (which he then did) ; and he received him into the diocese of Charleston — They then had dinner at Hogan's house.

Third—October 19—The bishop told Hogan that he must not administer the sacraments in St. Mary's. Bishop England himself removed the Blessed Sacrament from St. Mary's to St. Joseph's, where it was placed in charge of Father Cooper. The bishop then told Father Cooper that he may now inform the Bishop of Philadelphia [45] that Hogan belongs to the diocese of Charleston.

Fourth—The bishop returned from St. Joseph's to Hogan's house and met two members of the trustees' committee, Ashley and Fagan.[46] The bishop, in the presence of Hogan gave the committee a full account of what had been done. Mr. Ashley replied that they accepted the bishop's statement of the law. The facts also were clear. But, they had been otherwise informed, therefore, they had been acting in error.[47] The submission of Hogan they declared, was his own act, not the act of the trustees. Hogan was getting out of a tangle. But, they asked, how could Hogan reconcile his action with the declaration which he had made in St. Mary's on the previous Sunday: that he (Hogan) would under all circumstances adhere to his supporters?

The bishop answered that Hogan was now acting under his advice in leaving the faction of schismatics ar St. Mary's. He, therefore, the bishop, not Hogan, would inform the people of their mistakes. Mr. Ashley then asked the bishop whether he would celebrate Mass in St. Mary's the following Sunday, October 21. The bishop of course refused. The church was now under interdict. But, he added, that he would there, in St. Mary's, or elsewhere explain to the people what had been done. The bishop had no authority to permit Hogan to celebrate Mass in the diocese of Philadelphia. But, in order to obviate possible embarrassment on the part of Hogan if he were to go to one of the other churches to hear Mass, the bishop volunteered to celebrate in Hogan's house on the coming Sunday, thus permitting Hogan and Ashley and any friends whom they wished to invite, to fulfil the obligation of attending Mass privately.

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[45] Bishop Conwell, it will be recalled, was away in Canada collecting funds to pay for improvements in St. Joseph's.

[46] John Leamy was not present.

[47] It is not clear from the text of the Diurnal whether this is an acknowledgment of error on the part of the trustees, or the Bishop's inference from their statement.

Fifth — That same night, October 19, O'Hannan informed the bishop and Father Power that the trustees had held a meeting, that Hogan was present, and that he had promised that if the bishop (England) did not say mass in St. Mary's the following Sunday, he W. Hogan, would. The bishop adds that he and Father Power left Hogan's house then for their hotel.

October 21, Saturday, the bishop says he found the fears of O'Hannan realized. One of Hogan's supporters, T. O'Sullivan, called that day to say that he was convinced that he, the bishop, was right. A warning admonition was sent to Hogan, but no answer was returned, though, the bishop says, Hogan's house was not five minutes' walk from the hotel. At ten o'clock Saturday night the bishop drew up a letter to Hogan, which was sealed and signed by himself and Father

Power, as secretary. The letter warned Hogan:—"That, should he attempt to celebrate Mass, he would thereby incur a greater excommunication, *Latae sententiae,* "I went with Mr. Power to the house of W. H. and the Reverend Power put this notice in his hands at half past ten o'clock (Saturday night) informing him at the same time of the nature of its contents" —after returning to the hotel, and as he was preparing to retire for the night, the bishop received a note from Hogan stating that he resigned his "Domicile in the Diocese of Charleston."

Sixth — October 21, Sunday the bishop said Mass in St. Joseph's — At ten o'clock a note was received from Hogan, who had that morning said Mass twice in St. Mary's. This note requested the bishop to meet Hogan's flock in St. Mary's that evening "to give the people advice." The bishop says that he saw in the note what was Hogan's design—Hogan's plan was, it is inferred, to have the Bishop appear in St. Mary's so that he (Hogan) could say to the people that he was in communion with the Bishop of Charleston.

The bishop of course did not go to St. Mary's. He preached in St. Joseph's at the late mass, and also officiated at Vespers. He notes that he met many "former parishioners" from Ireland, who had been deceived by Hogan, but who now returned to the unity of the Church. Monday morning, October 22, the bishop said Mass in St. Augustine's and received into his diocese another preist, the Rev. John Toumy, who had come from Ireland, and had for some time been helping at St. Augustine's and out-lying missions. Father Samuel Sutherland Cooper also requested and received letters releasing him from the diocese of

Charleston. This same day the bishop left Philadelphia for Baltimore.

It appears from the Works of Bishop England reprinted from the files of the *Miscellany* that some one of the Hogan party wrote to the bishop on the subject of his experience in Philadelphia.[48] They feared the bishop, and dreaded an exposure of some of their methods, and the sophistries contained in their Address to Catholics in the United States and the Memorial to the Pope. The threat was made that if he (Bishop England) dared to publish any thing that would hurt the cause of the party in Philadelphia, he would be shown to be "a hypocrite and a liar." Instead of silencing the bishop the threat proved to be the occasion for the complete exposé which was printed in the issues of the *Miscellany* and is now reprinted in the fifth volume of *Bishop England's Works.* The *Miscellany* was widely and intelligently read, and did much to clear the air on the subject in 1822.

Bishop Conwell felt that the Bishop of Charleston was intruding when he undertook to absolve Hogan and take him to Charleston, and blames the bishop for attempting work outside his proper jurisdiction in letters to Propaganda and to Mnsgr. O'Finan in Rome. Bishop England, in his notes on the history of the case, very generously acknowledges where he was in error, and assures the Bishop of Philadelphia that he knows now that he (Bishop Conwell) was right: "You thought," he says, "I wished to dictate to you how to govern your diocese — I knew you were led to imagine that I wished to raise Mr. Hogan and to depress you, if I could. I confess that my notions of your conduct toward Mr. Hogan were very different then from what they now are, and I was led to doubt whether your acts were altogether canonical. I then believed as facts what I now know to be fiction. I have since learned facts of the existence of which I was then not aware. Of course I have changed my opinion. I have no doubt in my mind that your acts were not only valid but perfectly regular." [49]

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[48] The trustees' minute book refers apparently to this correspondence—" Present Rev. William Hogan, John Doyle, John Dempsey, John Ashley, Patrick Connell, Joseph Dugan and Augustine Fagan.

The committee appointed on the 17th instant, to wait on the Rev. Dr. England, reported that they had discharged that duty.

Adjourned to meet at this place (place is not given) Monday evening next, the 22nd inst. at six o'clock P. M.

Augustine Fagan, Sec'y.

[49] Works of Bishop England, Reynolds Edit., Vol. 5, pp. 118-119.

# CHAPTER X

## HOGAN IN THE COURTS IN PHILADELPHIA—MATHEW CAREY COMES OUT AGAINST THE TRUSTEES—HOGAN'S CATECHISM—WILLIAM VINCENT HAROLD

EVEN though we make allowance for influences from revolutionary conditions in Europe and the lack of organization and leadership in America, we can hardly believe that Hogan's supporters were in good faith and sincere after their experience with Bishop England in October, 1821. The trustees and friends of Hogan could not consistently close their eyes to facts of the public records and the public prints in the case of Mary Connell against Hogan and O'Hannan. The part of a sychophant which Hogan had played in the farce of reconciliation under the Bishop of Charleston might be condoned or excused by friends and admirers of the man; but the excuse is revolting to the man of ordinary common sense, of honesty and fair dealing.

Many of Hogan's followers in St. Mary's were, no doubt, self-deceived. Admiration for Hogan's bravado was not their better judgment. They were in a position now where it was expedient, and humanly necessary to justify their course or to recede. Self-justification in politics is a losing game. In the end it is fatal to the individual or to the party.

Mathew Carey, who had in the beginning sided with Hogan's friends, and had published several pamphlets over the signature "A Catholic Layman," came out openly now to condemn the Committee that had drawn up The Address to Catholics in the United States. Carey's pamphlet was published in July, 1821, and is also addressed to "Roman Catholics in the United States," from a "Layman of St. Mary's Congregation." Carey was a master of strong language; but the charges which he makes against the members of the committee were the points of importance. "I assert," he says, "without fear of contradiction, that of the thirteen [50] gentlemen who signed their names to the pamphlet, not more than one has received the sacraments for several years past; and some of them, according to their own acknowledgment, have never received them"—"If they were Turks or pagans," he says, "they could not have done more to bring the name Catholic into contempt."

Mathew Carey was born in Dublin, Ireland in 1760. He learned the business of printing and publishing in his native city. In 1779 he was forced to leave Dublin by reason of a pamphlet written and published by him on the *Repeal of Penal Laws.* He went to Paris, where he found a friend in Benjamin Franklin. Franklin gave him employment in a printing office at Passy, where *"The Despatches to America"* were printed. After one year in Paris Carey returned to Dublin. For some time he was editor of *The Freeman's Journal;* later in 1783, he began the publication of the *Volunteers' Journal.* In April, 1783, he found himself in difficulties, charged by the Government with utterances disloyal to England. Carey left Ireland September 7,

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[50] The names of the thirteen are: Leamy — Ashley — Dugan — Doran — Desmond — Meade — Clapier — Neweman — Sullivan — Savage — Taws — Groves — Barry.

1784. He reached Philadelphia, Nov. 1, 1784. By means of financial aid from the Marquis Lafayette, then visiting in the United States and Robert Morris, Carey was enabled to begin the publication of a semi-weekly paper, the "*Evening Herald.*" The "*American Museum*" a monthly publication was begun in January, 1787, and continued to December, 1792. In 1790 Carey and Stuart, published the first American Catholic Bible. Carey wrote and printed much on the politics and economic problems of his time. The *Vindiciae Hibernicae* was printed first in 1819; a second edition in 1823. Mr. Carey died September 16, 1839. He was attended in his last illness by Father F. X. Gartland of St. John's and also by Fr. P. E. Moriarty, O.S.A., of St. Augustine's. He is buried in St. Mary's grave yard, Philadelphia.

During the early summer or the spring of 1821 Hogan had published a Catechism of Christian Doctrine. It does not appear just what the purpose was. The Catholic book lists of 1810-1812 and later, advertise the standard catechism approved by Archbishop Carroll — The title page of this new venture is "The Catechism of Dr. James Butler, Revised and Corrected by Rev. William Hogan, pastor of St. Mary's Church, Philadelphia." One copy only is known to exist. That is in the Loganian Branch of the Philadelphia Library.

Toward the close of the year 1821 a new actor and protagonist for the bishop appears on the scene—William Vincent Harold—Harold was not a stranger in Philadelphia. He had helped to make history in St. Mary's during the lifetime of Bishop Egan, 1810 to

1813. He is the same William Vincent Harold, who is named in the Memorial to Pius VII, June 1819, as the choice of the trustees; and they ask the Pope to appoint him Bishop of Philadelphia.

William Vincent Harold, who later takes an active part in the pamphlet warfare, was an Irish Dominican Friar. He had been in America from 1808 to 1813. Probably his plan was to labor on the missions in New York under his confrere, Bishop Concannen, also a Dominican. When Bishop Concannen died in Naples, in 1810, before reaching his see, Philadelphia was offered as a more promising field of labor for Fr. Harold. He was with Bishop Egan at the time of his consecration and preached on the occasion of the consecration of Bishop Cheverus, of Boston, November 1, 1810.[51]

Father Harold lived with Bishop Egan at St. Mary's as one of the rectors of the church. In 1811 the Rev. James Harold, the uncle of William Vincent, formerly a parish priest in Ireland and later deported to Australia (Botany Bay) as a state prisoner, came to Philadelphia. The two Harolds now assisted the bishop at St. Mary's. Troubles developed between the bishop and the trustees. In the course of the difficulties it was discovered that the Harolds were playing the game on the side of the trustees against the bishop.[52]

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[51] The consecration of the three Bishops (first in the United States) were: Bishop Egan in the Cathedral, Baltimore, Oct. 29, 1810; Bishop Cheverus, also in the Cathedral, Baltimore, Nov. 1, 1810; Bishop Flaget at Fells Point, Maryland, Nov. 4, 1810. Part of the text of Fr. Harold's sermon is printed in " Sketches of the Church in New England " by James Fitton.

[52] See *Life of Bishop Egan* by Martin I. J. Griffin, pp. 50 to 80.

This fact was reported to the Archbishop, Carroll. The record of this treatment of Bishop Egan evidently explains why William Vincent Harold was not appointed Bishop of Philadelphia, notwithstanding the petitions of his many and influential friends.

Bishop Egan died, July 22, 1814, worn out, but not defeated in the fight against the trustees for the control of St. Mary's. The bishop's rights against the trustees were sustained by Archbishop Carroll, the metropolitan. The Harolds were forced to give up their place in St. Mary's, and during the year 1813, when Bishop Egan was still living, both returned to Europe. Fr. John Ryan also a Dominican and a close friend of the younger Harold, who had been on the missions in Baltimore returned to Europe the same year. Fr. William Vincent Harold and Mr. Ryan were stationed at the Dominican Priory at Santo Corpo College, Lisbon—Letters written during the years 1814 to 1820 show that there was a strong and consistent movement to have Fr. Harold appointed to succeed Bishop Egan in Philadelphia. The Metropolitan, however, Carroll first, then Marechal stood firm. The records of the earlier troubles in Philadelphia evidently were the deciding element which excluded foreign influences in Harold's favor at Rome.

Finally in 1820, after Bishop Conwell had come to Philadelphia, William Vincent Harold in a long appealing letter addressed to the Cardinal Prefect of Propaganda begs to be allowed to return to America, where he says wrong motives have been imputed to his former actions; where facts were twisted out of their true meaning and justice denied him by men who were not his friends. His appeal is strengthened by citing letters from Bishop Connolly of New York[53] and the good will of the bishops of Ireland, who knew, he says, that he is making this request to be allowed to return to America to recover a ruined reputation and to prove himself worthy.

It was in answer to this appeal to Propaganda, most probably and not, as has been suggested, at Bishop Conwell's invitation, that William Vincent Harold returned to America and came to St. Mary's, where he was the bishop's strong support, until 1826. The estrangement which came in 1826, and the story of the appeal made by Harold and Ryan to the Department of State against the order of the Dominican Prior General and the Pope's direction, will be told in a later chapter.

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[53] See Letter dated from the Convent of St. Mary of Peace in Rome, December 2, 1820, in which Fr. Harold begs to be permitted to return to America.—*Acta* of 1821, fol. 183-184.

# CHAPTER XI

## ELECTION RIOTS OF APRIL 9, 1822 — ARBITRATION OF GENERAL CADWALLADER—JUNE 22, 1822

IN the campaign of the year 1822 little is found in the contemporary prints to indicate new developments or any change in the disgusting program of propaganda. Wit and repartee, personal quips and biting sarcasm are characteristics of the pamphlets and newspaper lampoons.

In accordance with the decision of the court that pastors duly appointed are to hold their place as members of the board according to the charter, we find that the bishop and priests from St. Joseph's attend the trustee meetings held between the second of January and the sixth day of April, 1822. Hogan's name does not appear in the minutes of these meetings.

The election of a new board of trustees as fixed by the charter, was held Tuesday following Easter Sunday. In 1822 this was the ninth day of April. Judging from contemporary accounts and the points in litigation which followed the election, the bishop and his supporters expected to win the election and to organize a loyal Catholic board of Trustees at St. Mary's.

The election in fact turned into a riot in front of the church, to the north on Fourth Street and through the Church yard. The iron fence separating the cemetery from the street was thrown or pulled down, and clubs and bricks were used by both sides to enforce peace. Bishop Conwell, writing to the Bishop of Quebec, July

4, 1822, says:—" We had serious trouble here at Easter on the occasion of the election of Trustees for St. Mary's Church. Perhaps two hundred persons were wounded. The clergy were not concerned." [54] — "The non-Catholics," he says, " still retain possession by violence, aided by the prejudices of all descriptions and sects. And the good Catholics are every day becoming better Christians. So that I can declare we had more communions this year than there had been formerly in three years.[55] The law suits which this has produced are innumerable." [55a]

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[54] Father Jordan in a rather choppy account of the riot says that during the worst of the fight the Bishop stood near the corner of Fourth Street and Willing's Alley with Father Cooper, Father McGirr, Father Kenny and Father Harold ready to assist the injured as they were carried into nearby houses for treatment and shelter. Father Jordan says that Hogan stood farther north on Fourth street with a bevy of ladies laughing at the funny things in the fight.

[55] The Communions, of course, are in St. Joseph's Chapel. But the people are parishioners of St. Mary's who remain loyal to the Bishop.

[55a] " CRAZY NORA "—A rather pathetic reminder of these election riots may be found in the traditions of " Crazy Nora," whose real name was Honora Power, a familiar character of old Philadelphia, one hundred years ago. The loss of reason in the case of " Nora " has been attributed to excitement or nervous strain when she saw the fighting in the Church and the street. She remained unbalanced in mind to the time of her death Feb. 15, 1865. The " Old Quaker Almshouse " was her home. But she is said to have made her living by " collecting bad debts." She was a persevering dun; and her appearance, dressed as she usually was, in high top boots and a " stovepipe " hat, at the place of business or the residence of a delinquent debtor was more than a hint. She is said to have been strictly honest and severe in her methods, though gentle kind and a great favorite with children on the street. She would teach them

The supporters of the bishop claimed the election by a majority of seventy votes. The friends of the Hogan faction insisted that the old board had won by a majority of sixty. The difference was in the contested right to vote of one hundred and thirty holders of twenty-six new pews which had been put into the church without the approval of the clerical members of the board and sold or rented by Hogan's friends despite the protest of the bishop and the clergy.

In the meeting of February 12, 1822, a committee had been appointed to dispose of twelve remaining pews. The protest of the bishop and priests against this action is recorded in the minute book:—

"Whereas the Judges of the Supreme Court of Pennsylvania have declared that all the acts of the lay trustees subsequent to the expulsion of the clerical trustees, have been illegal and invalid; and whereas the monies (money) expended for the erection and building of the new pews in the Church of St. Mary and for several other purposes, have also in consequence been illegal. We therefore, the undersigned clerical trustees in confirmation of the protest signed by us on the second of January last, do hereby enter our protest against all and every act of the lay trustees during the expulsion of the clerical trustees, and against the letting

to pray, sign them or herself with the cross, and offer them trinkets from the green bag which she carried. She attended St. John's Church, thirteenth street regularly.

A painting of "Crazy Nora" may be seen in the home of the Historical Society of Pennsylvania, Thirteenth and Locust streets, Philadelphia. See also *Watson's Annals* continued by Hazard, Vol. III, p. 452.

of the new pews for the ensuing election of trustees of said St. Mary's Church.[56]

February 12, 1822.
Signed—HENRY CONWELL,
Bishop of Philadelphia
SAMUEL COOPER
JAMES CUMMISKEY."

The protest, taking the stand that the building of new pews and filling them with voters for the coming election could not be sustained in accordance with the decision of the court which had declared all acts of the lay board invalid, seems to be good reasoning. However, the election was contested. Counsel and legal advisers on both sides agreed to submit to arbitration. The case was left to the decision of General Thomas Cadwallader, who finally decided in favor of the Hogan Trustees, June 22, 1822.[57]

The Hogan board of 1821 was declared reelected:—John Leamy—John Ashley—Joseph Dugan—Joseph Strahan—John Doyle—Patrick Connell—John Dempsey—Augustine Fagan. The candidates in favor of the bishop who were counted out were:—Joseph Snyder—John Carrell—Cornelius Tiers—Denis Mc-

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[56] The Charge was repeated frequently that many who rented pews for the purpose of helping the cause of the trustees were never known to be Catholics.

[57] From an entry in Father Patrick Kenny's *Diary*, May 24, 1822—it would seem that there was an earlier settlement, to which the schismatics refused to submit: "May 24: Received a letter from Rev. Mr. Cummiskey apprising me of the schismatics refusing to abide by Gen. T. Cadwalader's decision. This I anticipated." The umpire finally admitted the additional votes, and so turned the result in favor of Hogan.

Creedy[58] — Nicholas Stafford — William Myers — Nicholas Esling and Joseph Eneu.

A letter addressed to the trustees who had been declared re-elected by act of arbitration will help us to see how some of the old pew owners at St. Mary's looked upon the disregard of their rights. The letter is dated July 6, 1822, and is addressed to the eight re-elected trustees.

" Gentlemen :—"

" As pewholders in St. Mary's Church we feel ourselves so seriously aggrieved and injured as to render it necessary to seek for the removal of the wrong which is done to us, or for such redress as the laws of the land will afford in the case."

" We conceive it to be our undoubted right to enjoy the privileges and comforts of the Catholic worship in St. Mary's Church; and that the right to a pew in that Church, which we severally hold, and for which we pay is violated by the disturbance of those privileges" (the favor of the arbitration is evidently meant).

" To every Catholic it is essential that the service of the Church be performed by a priest duly authorized to administer therein: and we conceive it to be our conscientious duty to forbear to join in the worship which is pretended to be offered by one who is under the censure of the Church."

" The possession of St. Mary's and the regulation of its worship are in your hands, and in the exercise of the power which you have, you see fit to introduce into the Church for its constant service, a man who is not only not authorized, but forbidden by the authority of the Church to exercise the priestly functions, and upon whose ministrations we can not in conscience attend."

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[58] McCreedy—spelled variously, sometimes also McCredy and McCready.

"The exercise of power on your part is a violation of our right as pewholders in the Church; and, we believe, is such an aggression upon our property as renders you answerable to the laws of the land."

"We respectfully request that you immediately cause the evil of which we complain to be removed: and now give you notice, that, if this request is not complied with, we shall severally appeal to the courts of Justice by action for damages with the hope of obtaining that redress which the serious character of our case demands."

We are, gentlemen, respectfully
Your Ob. Servants.

The letter is signed by twenty-one pew holders of St. Mary's, then attending and maintaining the services of religion in St. Joseph's.[59] The only effect of this letter of the Catholic pewholders, apparently, was a renewed effort on the part of the trustees to have the charter changed to suit their plans. The memorial and the petition to the state legislature with the plan for new changes in the charter are recorded in the minute book under the date of December 16, 1822, and will be taken up in the chapter, following the condemnation of Hogan and the trustees by the Pope.

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[59] The names signed to the letter are: Charles O'Hara—Joseph Snyder—John Carrell—John Dutich—P. Bousquet—John Keating—Patrick Meally—Nicholas Esling—Joseph Donath—Charles Mulvey—Hugh Cavanaugh—Cornelius Tiers—William Myers—Lewis Ryan—Charles Johnson—James Eneu—Jeremiah Nicholas—Geraldus Stockdale—Thomas Maitland—Philip Smith—Michael Durney—Peter Scravendyke—John Maitland—D. McCreedy—J. Brady—D. Crownen—J. Saulinier—G. Cummin—James McCann—Denis Brady—P. J. McCallan—John McDermott.

# CHAPTER XII

## HOGAN'S ENCYCLICAL—THE POPE'S LETTER, AUG. 24, 1822, CONDEMNS HOGAN AND THE TRUSTEES——HOGAN SIGNS SUBMISSION AND AGAIN RETURNS TO SERVE THE TRUSTEES

IN February, 1822, Hogan issued an "Encyclical" letter addressed to the "Most Reverend Archbishop, the Very Reverend Suffragans and the Reverend Sirs administrators of parishes of the Roman Catholic Church in the American Federated Republic." The composition of the letter is Latin; but the man who wrote it evidently thought in English. The choice of terms and turns of expression betray either ignorance or a wilful disregard for Latin usage and correct, idiomatic structure. The date of issue is February 13, and the copy in the Propaganda Archives is marked on the margin (received) April 10, 1822.[60]

The Sacred Congregation evidently understood Hogan's Latin to be the equivalent of calling a National Council. No doubt that is what Hogan means, his words do not express it.[61] The same arrogant presumption on the part of Hogan is referred to by the Pope in his letter on the question of Hogan and trustee troubles in Philadelphia. It is the crudeness of the thought more than the incorrectness of language that makes Hogan's Latin untranslatable.

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[60] *Acta*, 1822, fol. 272.

[61] A sample of Hogan's Latinity—on calling a National Council. The text runs: "Verum super his omnibus, notificatis, etiam nunc minime despero, quia iustiori via inventa, in Synodum Nationale (sic) conveneritis. Ibidem causam pro innocentia Mea dicturi, quod apprime postulat unitas fidelium impudenter resicata. In hocce Consilio (sic) si auras (aures?) benevolas praebueritis, non tantum innocentiam probabo meam, sed et criminibus Episcopi detectis et turpitudine vitae exposita, demotionem eius flagitabo." One can see what he is driving at, but he is not saying it.

The Pope's letter is addressed to the "Archbishop of Baltimore and his suffragan bishops, to our beloved children, administrators of the temporalities of churches and to all the faithful of the United States of America." The letter bears the date August 24, 1822, and the English translation of the letter was read in the churches of Philadelphia, December 10, 1822.[62]

After expressing regret and sorrow occasioned by the spirit of rebellion in Philadelphia, the Pope states plainly that "these disorders have originated principally from two causes, namely — First, from the senseless arrogance and nefarious proceedings of the priest, William Hogan; and Second, from an abuse of power in those who administer the temporal properties of the church — "Hogan, despising and subverting the laws of the Church, had constituted himself judge of his own prelate[63] — He has presumed to lacerate his (the prelate's) reputation by many defamatory writings, to withdraw the faithful from their legitimate pastor, to call a council of bishops for the purpose of deposing the said prelate, daring in his letters to that effect, like one possessed of superior power, to impart to them (the bishops) Apostolic benediction; and, finally, to intrude himself into the possession of the Cathedral Church, (St. Mary's) from which he has expelled the bishop."

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[62] The text quoted here is according to the translation which was read in the Churches of Philadelphia. The full original text will be found in the Appendix.

[63] Hogan's boast in his "encyclical" was: "demotionem eius flagitabo." This seems to be a bit of bravado, which the bishops would hardly take seriously. The harm, however, was not in the bragging. The purpose of the Latin composition, apparently, was, not to reach the American hierarchy, but to hurt the American hierarchy at Rome.

Turning to the second cause of trouble — the trustees, the Pope asks:—" Are they ignorant that the Holy Ghost has placed the bishops to rule the Church of God? [64]—Do they not know that the order of the hierarchy has been established in the church, that priests must be subject to bishops, to the Supreme Vicar of Christ, so that the priest is to be judged by the bishop, not the bishop by the priest? — Do they not know — that all the acts that he (Hogan) sacrilegiously performs and daringly are entirely null and void?"

" Not in Philadelphia only," the Pope continues, " but in other places of the United States of America, the immoderate and unlimited rights, which trustees or administrators of temporal properties of the churches assume, independent of the bishop are a cause of discord and discontent — Trustees ought, therefore, to bear in mind that the properties that have been consecrated to divine worship fall under the power of the Church; and since the bishops, by divine appointment, preside over their respective churches, they can not, by any means, be excluded from the care, superintendence and disposal of these properties."

On this same day, when the Pope's letter was announced in Philadelphia, December 10, Bishop Conwell wrote to the Archbishop to say that Hogan had agreed in writing to be absolved and to leave Philadelphia. "Hogan at first was unwilling," the bishop says, "to commit himself *in Scriptis*. Without that I would not give him any kind of *exeat* or absolve him from censure. He submitted this A. M. to the sentence of His Holiness and engaged in writing to leave Philadelphia. In consequence I consented to absolve him from censure.[65] I and the clergy may be in St. Mary's next Sunday."

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[64] Acts of the Apostles, XX, 28.

Bishop England in the *Miscellany* of December 25, 1822 notes:—"Mr. Hogan has, we are informed, pledged himself to the bishop to obey the decision of the Pope and to desist from his unauthorized ministry, and to leave Philadelphia. The bishop has received his pledge in writing. Still we understand the trustees have prevailed upon Mr. Hogan to break his pledge: and the extraordinary plea set up is that the document is a forgery! ! !"

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[65] Text of Hogan's promise: "As the Court of Rome, the only competent tribunal, has deigned to take into consideration the difference between Dr. Conwell and myself, declaring his opinions and acts correct, and according to canon law, and feeling the most profound reverence for the decisions of that sacred tribunal, I do now implicitly submit to it, and retire from the diocese of Philadelphia.

December 19, 1822. William Hogan.

DOCUMENT OF ABSOLUTION

"Cum Rev'dus Gulielmus Hogan suam submissionem, iam in scriptis rite attestatis, praestiterit... et cum pacta fide promissa dederit prorsus recedendi in posterum a dioecesi Philadelphiensi, his positis et habita ratione suae sinceritatis et bonae fidei super eisdem—Nos igitur eumdem Gulielmum Hogan virtute praesentium absolvimus, et absolutum declaramus, in quantum ad nos adtinet ab omni censura ecclesiastica, et uti talem annuntiamus quatenus suam obedientiam praestare queat cuicumque Episcopo communione et gratia Sanctae Sedis fruenti, et eum excipere volenti uti subditum.

Datum Philadelphiae ex aedibus nostris apud ecclesiam Sti. Josephi —(die 19 Decembris) Anno Domini Millesimo octingentesimo vigesimo secundo.

Henricus Episcopus Philadelphiensis.
Gulielmus Vincentius Harold, Secretarius.

The bishop adds:—"The Trustees of the church (St. Mary's) are not Roman Catholics, and there are many others in Philadelphia happening to be born of Catholic parents, and baptized in the Catholic Church, who never professed any other faith, but are perfectly ignorant of the principal doctrines of all revealed religion, and actually disbelieve the principal doctrines of the Roman Catholic Church — These men are the fomenters of the mischiefs which have long existed in that city — So long as they have the opportunity of reforming the Church, so long will it be disgraced, degraded, distracted and afflicted. These men are not Roman Catholics."

The next day Hogan had changed his mind. Father Harold called to give him the promised *exeat*. Hogan began to balk. He wanted to see the original of the Pope's letter. Father Harold gave him an authentic copy. Then opened a barrage of quibbling, which went into the public prints. Hogan declared that the Pope's letter "has not a single mark of authenticity." The following Sunday, December 17, Father Harold attempted to say Mass in St. Mary's. Mr. Martin I. J. Griffin in the *Researches* printed an interview with one who had been an Altar boy at St. Mary's, who was serving Father Harold's Mass when it was interrupted that Sunday morning, December 17, 1822. There are also some incoherent accounts of the disturbance in the records of court proceedings which followed.[66]

According to Mr. Griffin's account the Mass was begun by Father Harold when, probably at the reading of the Gospel, Hogan appeared at the pulpit. He was ordered to leave the Church. His answer was that he intended "to preach to his congregation"—The only alternative for Father Harold was to leave the altar and return to St. Joseph's for the Mass.

Hogan had backed down, notwithstanding the promise in writing which he had given to the bishop. As usual Hogan had recourse to the public prints to "justify" his course in the eyes of the people. *The Aurora* and *The Democratic Press* carried Hogan's "explanations." By citations from canon law he "makes it clear" that the bishop's acts are "all invalid" because he has incurred "major excommunication" in proceeding against Hogan. Hogan's "pastoral powers" "no power on earth can take from him." The "exeat" of Bishop Conwell, of course, was "invalid"; but no bishop could receive him (Hogan) into another diocese without the "exeat"—It was "necessary" but "null and void!"

Just about the time of the publication of the Pope's Letter, probably after it was known that the Letter had reached America, both parties made a new departure, and added one item to the history of Catholic periodicals in Philadelphia.

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[66] The former altar boy was Mr. Francis Harold Duffee, who died in Philadelphia, June 29, 1896. Mr. Duffee did not live in the faith of his baptism. See Mr. Griffin's account in *Researches,* April, 1891. The court proceedings are contained in a collection of Harold letters transcribed from originals in Dublin in the possession of the present writer.

The Hogan faction began the publication of a weekly paper — The title was — *The Catholic Herald*[67] *and Weekly Register.* The first issue appeared November 30, 1822. No copies of this publication are known to exist now. Finotti, in the *Bibliographia Catholica,* says that he saw the first three issues — " Its tone on things Catholic," he adds, " was blasphemous." The supporters of the bishop also planned a real Catholic publication, which was to be known as *The Catholic Advocate and Irishman's Journal.* In a notice which advertises this paper the declaration is made that it will uphold the rights of the bishop and give a weekly survey of foreign and domestic news :—" We need not mention to what party we belong. No—We shall ever support our bishops, our country and our Faith. Our Columns shall contain also every circumstance relevant to Ireland, the land of our birth." According to this notice the first issue of this paper was to come out the first Saturday of February, 1823; and it was to be published every Saturday morning.[68]

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[67] This title is not to be confounded with *The Catholic Herald,* a later Catholic paper which was begun in 1833, Jan. 3, and continued until 1863.

[68] Griffin's *Researches,* 1890, p. 40.

# CHAPTER XIII

## A NEW MOVE TO CHANGE THE CHARTER — THE "CATHOLIC" BILL IN POLITICS

THE movement to amend the charter of St. Mary's was renewed with what appears to be more political strategy than in the two former attempts, early in the year 1823. The petition to the State Legislature is recorded in the Trustees' minute book under date of December 16, 1822. It is said to be the request of five hundred and seventy-nine pew and seat holders in St. Mary's (the names are not given). Five points of change in the desired amendment of the charter are expressed.

I. — A trustee must be the holder of a pew or half a pew and a citizen of the United States. II. — The time of the election of trustees is to be changed from the first Monday after Easter to the first Monday in July. Judges of the election are to be appointed by the trustees; and women are permitted to vote by proxy. III. — The trustees are empowered to fill vacancies in the membership of their board. IV. — The treasurer of the board must give security. V. — The board of trustees is empowered to select pastors of St. Mary's from among the body of regularly ordained Roman Catholic clergy.

These changes together with the "memorial" of pew holders and seat holders were transmitted, as directed by the Trustees, to the Senate and House of Representatives of the Commonwealth early in January, 1823. The whole petition for the amending of the character was known as "the Catholic Bill" — Father Kenny calls it "The Nag's Head Bill" of Sullivan, Ashley, Fagan and Leamy[69] — Augustine Fagan was Secretary of the Board of Trustees. He, probably drew up the memorial. The bishop, in his Concatenation, which was published in 1824, and from which our information about the Catholic Bill is drawn chiefly, records the fact that Fagan died suddenly in Philadelphia January 11, 1823. He had just completed a pamphlet in defense of the amendment and was prepared to set out for Harrisburg to work for the "Bill."[70]

The speech of Mr. Duncan, which the bishop quotes at great length in the Concatenation was made in the Senate. The reasons for rejecting the bill to amend the charter are fundamentally the same as those found in the decision of Justice Tilghman in December, 1822. They are cited also by the Attorney General in his letter of counsel to the Governor, and in the Governor's veto of March 27, 1823.

The argument goes back to the original aim of the charter. The charter was granted in 1788 to secure the corporate ownership of the ground and buildings, and to carry on and perpetuate the regular administration of means for the temporal support of religion in St. Mary's. The Catholic body, in whose favor the charter was granted, has its own peculiar doctrine, discipline and worship. One point of Catholic discipline and teaching is that the appointment of pastors must come from the bishop of the diocese. "This right of appointment by the bishop, and the privilege of the members in unity, with the Catholic Church worshipping in St. Mary's to have '*pastors duly appointed*'[71] are secured to them by their charter: and that provision of the first section of the bill to blot out of the bill '*pastors duly appointed*,' must necessarily impair the rights and privileges secured by it (the original charter), and can not be done without giving a preference to some other religious establishment or mode of worship, which is positively prohibited by the Constitution."

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[69] *Records* Am. Cath. Hist. Soc., Vol. XXV, p. 135.

[70] *Concatenation*, p. 82.

"In order to understand fully the operations of the Charter," Mr. Duncan brings his hearers back to the facts existing at St. Mary's since December 1820.

"It is well known," he says, that "the petitioners have already taken possession of St. Mary's Church, to the exclusion of the remonstrants, and (they have assumed the power of electing their pastor a priest excommunicated agreeably to the canons of the Roman Catholic Church. What more do they want? If they have the right, it requires no legislative confirmation. If they have not the right, can the Legislature, directly or indirectly, give it to them?"

"I know," he continues, "that it is said that the bill does not give to the laity the positive power to elect a pastor. But by striking out of the charter '*pastors duly appointed;*' excluding them from the trust, it most certainly does remove one obstacle in the way of the petitioners, and impairs one security provided in the charter."

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[71] Mr. Duncan quotes the words of Bishop Carroll in the case of Goetz and the trustees of Holy Trinity in Philadelphia, 1797, and later: "After this the intruder (Goetz) received from the same trustees a pretended appointment to the pastoral office—that is, the power to loose and to bind, the power of administering the Holy Eucharist to the faithful of God's Church, of teaching and preaching and performing all those duties, which being entirely spiritual can never be within the jurisdiction or subject to the disposition of the laity; which were committed by Christ to the Apostles alone and to their successors in the government of their respective churches."

"By the exclusion of the clerics from the trust, the majority will have it in their power to elect trustees favorable to the existing state of things, and thus be enabled to preserve their present vantage ground, by having a perfect control over its funds."

"So long as the trustees have this control, so long must those in unity with the Church of Rome be excluded from the privilege of worshipping in St. Mary's agreeably to the dictates of their consciences secured to them by the present act of corporation."

Notwithstanding the logic of Mr. Duncan's forceful appeal and the evident justice of the cause of the remonstrants, the "Catholic Bill" was passed by both the House and the Senate in Harrisburg, March 23, 1823.

March 27, 1823, five days after the bill was passed, Governor Hiester returned the amended statute to the Legislative branch of government with his reasons for Veto — The main reasons of the Governor follow:—

1 — "It is proposed to make an alteration in the charter of a religious community, incorporated so early as the year 1788, without the full consent of the congregation, and this at a time of great excitement, produced by existing disputes, which embrace not only differences respecting the management of the temporal concerns of the society, but operating, in their consequences, to subvert fundamental articles of faith in con-

travention of the pious intentions of the founders of the church." 2 — "The bill appears to me to impair the charter by changing the qualification of voters, abridging the elective franchise, and exacting compliance with conditions not contained in any of its provisions." 3 — "It introduces a new principle by vesting the trustees with the power to fill any vacancy in their board, without reference to the distinction between two orders or classes of trustees as recognized in the charter" . . . "I am unwilling to join in any Legislative act, which may either violate the constitution, impair the rights of individuals as granted them by the charter, or tend, in the smallest degree, to interfere with the liberty of worship and the rights of conscience, secured to the people of this country, of every religious denomination, as well by the constitution of this State, as by that of the United States."

"As, therefore, I cannot approve the bill, I have directed the Secretary of the Commonwealth to return it to the Senate, in which it originated, with these my objections."

JOSEPH HIESTER.

March 27, 1823.

The Governor's veto came up in the Senate March 28. At first it was resolved to let the bill with the Governor's objections go to the people of the State "to judge for themselves." It was decided finally by a vote of thirteen to fourteen to accept the Governor's judgment on the merits of the bill. Echoes of the "Catholic Bill" were heard in the campaign for the election of Governor in the fall of 1823. John Andrew Shulze who had voted against Governor Hiester's veto, was the successful candidate.

While the "Catholic Bill" was passing through the House and Senate of the Legislature of Pennsylvania in January and February, 1823, the Catholics of Baltimore and New York published protests against the action of the trustees and Hogan and issued public expressions of loyalty and sympathy for Bishop Conwell and the Catholics of St. Mary's congregation.

The bishop gives the full text of Resolutions passed in the *Concatenation.*

The meeting in the Baltimore Cathedral was held January 21, 1923:

Resolved 1st — That the members of this meeting deeply lament the unhappy schism which has for some time prevailed in St. Mary's Church in the city of Philadelphia.

2nd — That it is the opinion of this meeting that the said schism is alone attributable to the anti-Catholic and rebellious conduct of the pretended pastor of said church and the blind infatuation of his followers.

3rd — That it is the opinion of this meeting that the effects of this schism are alike disgraceful to the promoters of it, both as members of civil society and as Christians.

4th — That it is the opinion of the members of this meeting that the conduct of the Rt. Rev. Bishop Conwell in relation to the Rev. William Hogan is in strict conformity with the canon law and the established usage and discipline of the Catholic Church throughout the world.

5th — That this meeting looks upon the petition of the lay trustees of St. Mary's Church in Philadelphia in the Legislature of Pennsylvania for power to appoint their pastors, as subversive of a fundamental principle of the Catholic Church; because it belongs to the bishops alone, as successors to the Apostles, to appoint and institute the pastors of various congregations in their respective dioceses: and that a priest appointed pastor by laymen without the assent and institution of the diocesan bishop, is not a lawful minister of the Catholic Church, but must be looked upon by all good Catholics as an intruder and a profaner of his sacred character and ministry.

6th — That it is the opinion of this meeting that the Rev. William Hogan, who presumes to exercise pastoral functions in St. Mary's Church without faculties from his bishop, and in direct opposition to his authority; and who, for his sacrilegious usurpation and other offenses, has been excommunicated by his diocesan with the approbation of all the Catholic Bishops of the United States and of the Sovereign Pontiff himself, is no longer a Catholic clergyman; and that no Catholic can hold communion with him, or assist at his administrations.

7th — That it is the opinion of this meeting that so long as the said Rev. William Hogan continues to officiate in St. Mary's Church, the Catholics of Philadelphia are deprived of the use of said church, and that the pious intentions of the founders thereof are thereby defeated.

Signed

Luke Tiernan
Thomas C. Jenkins
Thomas Hillen
John Scott
John Parsons

These resolutions of the Catholics of Baltimore are followed by a personal letter from Charles Carroll of Carrollton addressed to Bishop Conwell, January 22, 1823. The venerable signer of the Declaration of Independence tells the bishop that, by reason of his age, he is unable to attend the meeting held in the Cathedral in Baltimore late in the evening, that the resolutions have his approval, and he hopes that they may have influence in the Legislature of the State of Pennsylvania.

The declarations of the meeting held in New York, February 26, 1823, are approved by Bishop Connolly.

"Resolved"

"1st. That this meeting sympathize with the Roman Catholics of Philadelphia for the existence of the unhappy schism in St. Mary's Church. A schism, which is equally disgraceful to its abettors, as members of society, as it is scandalous in them, as professors of any religious creed.

2nd. That the Rev. William Hogan, being excommunicated by his bishop, is no longer a Catholic pastor, and that any of his hearers could, with equal right, presume to preach and teach.

3rd. That the trustees of St. Mary's with their adherents, in holding communion with Rev. William Hogan, have ceased to be Catholics; and that they now unjustly retain possession of St. Mary's Church, the said church being Catholic property.

4th. That any portion of our separated brethren could, with equal right petition the honorable legislature of this state for leave to possess and occupy our churches, as the present trustees of St. Mary's have petitioned the honorable Legislature of Pennsylvania to retain St. Mary's.

5th. That, if the petition of the trustees of St. Mary's were granted, we would look on it as a dangerous precedent, rendering the tenure of all church property insecure to its founders.

6th. That six millions of Catholics would be admitted to the freedom of the British Constitution if their consciences would suffer them to cede to the British government much less than what is demanded by the trustees of St. Mary's.

7th. That the spiritual jurisdiction of the Pope cannot affect our civil liberties. For whilst we acknowledge him to be the successor of St. Peter, etc. etc., like Our Divine Master, his kingdom is not of this world.

8th. That it is of Catholic faith to believe that the laity can not impart to a priest any spiritual power: but that the clergyman must necessarily receive the power of preaching and teaching, etc., from the Bishop or Ordinary of the Diocese, wherein he resides: who, (in turn) must be in communion with the Holy See."

Signed ROBERT P. DONOHOE—Chairman
J. McLOUGHLIN—Secretary

To be published in the *American Evening Post* and in the *Shamrock* Newspapers.

After the defeat of the Catholic Bill by the veto of Governor Hiester meetings were held in Lancaster and Carlisle to express approval and to thank the Governor for his firm stand against the arrogance of the trustees' faction.[72] In Philadelphia the *National Gazette,* which was then edited by a Catholic, Robert Walsh, also expresses indignation at the abuse, which it was reported, some partisans in the Senate, had cast at the chief executive: "We feel," the editor says, "and condemn the indignities offered to a Chief Magistrate of the Commonwealth in the exercise of his undoubted prerogative."[73]

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[72] See *History of St. Patrick's Church, Carlisle, Pa.*, by H. G. Ganss, pp. 183-189.

### Election of Trustees, April 1, 1823

The election of trustees was to be held April 1, 1823 (Easter Tuesday). A preliminary meeting of trustees was held March 29 at 4 o'clock, P. M. One point of "new business" was the transfer of ten pews, apparently to gain Hogan votes. Father Harold refused to put the question. John Leamy was then declared chairman; after which the Hogan supporters adjourned to meet at the house of Mr. Ashley, where they had a quorum, and proceeded with the transfer of the pews.

The minute book records the election of April 1, 1823, John Leamy — John Ashley — Richard W. Meade[74]—Edward Barry—John F. Sullivan—Bernard Gallagher — Archibald Randall — Anthony Groves — "The Reverend William Hogan then came forward and declared himself to be one of the duly appointed pastors."

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[73] Issue of March 31, 1823.

[74] Richard Worsam Meade. For Meade family see page 34 above. *Archibald Randall* was admitted to the practice of law in Philadelphia, April 13, 1818. He was appointed Law Associate in the Court of Common Pleas, January 23, 1834. In March, 1842, President Tyler appointed Randall Judge of the United States Circuit Court for the Eastern District of Pennsylvania. Judge Randall died May 30, 1846.—See also account of Meade family in *Records*, A. C. Hist. Soc., Vol. III, pp. 193 to 220.

The supporters of the bishop also met in the church yard and voted on a tombstone between the hours of eleven and one on the same day, April 1, 1823 — The bishop with William V. Harold and James Cummiskey were declared pastors in presence of the voters, and the trustees elected were — Joseph Snyder — Denis McCreedy—Cornelius Tiers—John Connell—Wm. Myers —James Eneu—Jerome Keating—Nicholas Stafford — There was no riot.

Hogan and his trustees of course, held St. Mary's. The bishop and the loyal Catholics kept to St. Joseph's.

# CHAPTER XIV

### NEGOTIATIONS FOR AN AGREEMENT AND PEACE — HOGAN GETS INTO TROUBLE — A NEW ASSISTANT FOR HOGAN—INGLESI—INGLESI'S CAREER—MORE DIFFICULTIES FOR HOGAN — HOGAN GOES TO IRELAND, BUT RETURNS TO AMERICA

THE newly elected board of Hoganite Trustees met in St. Mary's school room, Saturday evening, April 5. Previous notice had been given. Hogan was present, but the bishop and his clergy did not attend. Later during the same evening an adjourned meeting was held at the house of John Ashley. The board was then organized. Hogan's salary was raised to one thousand dollars per annum, with house rent not to exceed three hundred dollars. Messrs. Meade, Ashley and Leamy were appointed a committee " to obtain such assistance for the Rev. Wm. Hogan in the discharge of his pastoral duties as may, in their opinion, be necessary. The sequel will show what was the success of the committee in engaging assistants for Hogan — Three in succession—Weldon, Inglesi and O'Meally. Of the first, Weldon we find no record beyond the remark made by the bishop in the *Concatenation:*— " He eloped with a wife " — The two latter, Inglesi and O'Meally will claim attention later.

It appears from the minute book that the finances of the corporation were a source of some internal trouble.

There is record of transactions by means of notes. The secretary was directed in a meeting of June 3, 1823, to publish a notice in three daily newspapers informing pew holders that the " rents will be collected at the school house Mondays — 9-16-23-30 of the present month (June) between the hours 3 to 6 P. M."

The fact is also noted that there was a " forcible entry into the church on the third day of April, 1823, by a mob — a violation of the public peace, disgraceful to the city, and the cause of loss and expense to the corporation."

In this same meeting of June 3rd Mr. Meade presented an outline of " conditions " on which the Trustees. . . " are willing to enter into an amicable accomodation of all their differences with the Right Reverend Bishop Conwell." Mr. Meade with Messrs. Leamy and Randall were appointed a committee " to communicate with the bishop " and to " take measures, as they deem necessary, to insure compliance with the conditions."

The conferences with the bishop are not recorded in the minute book of the trustees. But the results of this attempt to reach an agreement and the correspondence between the committee and the bishop are found in a pamphlet issued by the trustees in September 1823 — " *An Appeal to their fellow citizens.*"

The " conditions " quoted there are six in number. We take the main points only out of four of the " conditions."

*First.* " The bishop is to consent to acknowledge the inherent right of the Trustees of St. Mary's Church to nominate, and present to him the names of such regular clergymen of respectability of the Roman Catholic faith as they may please to select for pastors of said church, and they shall be regularly inducted and continue as pastors during good behavior"—

*Second.* (from condition number three) — "The constitution of the church, having vested the trustees with the exclusive management of temporalities, they agree to fix, from time to time, the salaries or sums to be paid to the pastors."

*Third.* (from condition four) — "The trustees agree to acknowledge Bishop Conwell as the bishop of the diocese, but not as pastor of St. Mary's Church" — "They do not allow that St. Mary's Church is to be considered exclusively as a Cathedral, any more than the other churches of the diocese."

*Fourth.* (from condition number six)—"That the Rev. Wm. Hogan and the Rev.* — shall be and are hereby acknowledged to be pastors of St. Mary's Church."

After some preliminary correspondence the answer of the bishop is finally summed up in a letter of July 17, 1823. The Bishop says:—

"The one and only way to that desirable object — peace — appeared to me so plain that I considered it unnecessary to point it out to you; but your last letter calls for my opinion, and I have no right to withhold it from you."—

"When the lay members of the board of trustees of St. Mary's Church, instead of confining themselves to their duty, as defined in the charter, took upon themselves the government of that church and the appointment of its pastor, when they asserted the right to exclude their bishop from his cathedral, and openly resisted the highest judicial authority in the Catholic Church, they left me but one course to propose. I am bound by my oath of consecration to resist the invasion of these rights, and to maintain in the flock committed to my charge the authority and the laws thus disregarded."

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* Space left for name to be inserted.

"When, therefore, you ask me, what, in my opinion are the terms upon which this unhappy affair may be terminated, as a Catholic Bishop I can only answer: It can be done by conformity to what is the settled and established order and discipline of the Church; and according to my judgment and conscientious belief, in no other way."

"This then is the only answer which I can give, or which you could reasonably expect me to give to your inquiry: and I shall be truly happy if you should be persuaded that it points out to you the only course by which you may be reunited to your brethren in the Church."

"It will afford me the highest gratification to accede to every reasonable wish of that portion of St. Mary's Church represented by you. But I have no authority to change established discipline. It is my duty to maintain and uphold the system of government prescribed by the lawful power of the Church. I can not be expected to violate laws which I have sworn to maintain."

"The first duty imposed on me, as a bishop, is to take care that the faithful committed to my charge be served by pious, learned and exemplary pastors. It shall be my duty, as it is in every way my interest, to see that the first church in my diocese is so provided."

"Whilst I beg you to be assured of the sincerity of this determination, I have a right to expect from you a corresponding feeling of attachment to a Church which has so many claims to your veneration and regard."

Be assured of my sincere wishes for your welfare and believe me to be,

Your faithful friend and father in God,
HENRY CONWELL
Bishop of Philadelphia.

To R. W. Meade—John Leamy and H. Randall—Esqrs.

The bishop stands, of course, where he stood in December, 1820, when Hogan first was deprived of the faculties of the diocese. The trustees, on the other hand, and their following, must have seen that three years of campaigning had contributed nothing to their honor, or the reputation and the name of Catholics throughout the country. Three times they had been defeated in their attempts to amend the charter of St. Mary's. They had seen their hired parson twice absolved from the censures of the Church, and returning, over night, to serve his employers. The blame of the election riots of Easter week, 1822, could not be shifted entirely and thrown upon the bishop and his clergy. The cheap publicity of three years of pamphleteering has left nothing positively that reflects credit on either side. The words of Bishop Conwell, writing to Cardinal Somaglia, and summing up results at the end of the year 1823, would seem to be literally true:—"The trustees and their followers," he says, "never have been Catholics, except in name. Their wives and children all are protestants. And it is in hatred of the Faith, and in order that they may have a way to prostrate the Church completely that they call themselves Catholics and hold the temporalities of the Church."[75]

During the month of June of this year 1823, while the negotiations for "peace," described above, were in progress, Hogan found himself entangled in what appears to have been a blustering street fight in New York. The participants, one of whom had struck Hogan on the nose in answer to a brag, were hauled before a magistrate, and the whole account (charges and defense) was printed in the *New York Evening Post,* from which the *National Gazette* in Philadelphia, June 19, 1823 reprinted the disgusting details of what looks like a drunken brawl.

It appears now that reasons were piling up which would make it imperative to procure "assistance" for Hogan in his "pastoral duties." The committee appointed for this purpose, reported in a meeting of the board, held August 28, that the Rev. A. Inglesi had arrived in the country, and that he would be willing to accept the appointment as "sole pastor of this church, whereupon the resignation of the Rev'd. Wm. Hogan was presented, read, and, on this condition accepted;[76]

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[75] "Aeditui et eorum sequaces nunquam fuerunt Catholici, non nisi nomine. Uxores et filii eorum sunt omnes Protestantes. Et in odium Fidei, et ut occasionem habeant prosternendi prorsus Ecclesiam sese declarant Catholicos et retinent omnia bona ecclesiastica.

[76] This action of the Trustees seems to be rather irregular.

and it was resolved that the Rev'd. A. Inglesi be and hereby is nominated to the Right Rev'd. Henry Conwell, Bishop of this Diocese, as sole pastor of St. Mary's Church."

The bishop was away in Canada, at the time of this "presentation" of Inglesi. Father Harold as Vicar General, was in charge. He had permitted Inglesi to say Mass once in St. Joseph's. The action of the Trustees was a sufficient reason, as it appears, to revoke this permission; and consequently we find that Inglesi informed the committee that he must "decline the nomination to be sole pastor of St. Mary's Church."

We depend now upon another broadside of pamphlets and squibs in which, drawing upon the correspondence between Philadelphia and Rome, Baltimore, Quebec, New Orleans and New York, the whole subject of Inglesi's career is laid bare to the public.

The main points only of the rather checkered career of Angelo Inglesi are given here, gathered from the pamphlets of the time, and from later letters of Bishop Conwell to Rome. Angelo Inglesi was a native of Rome and a clerical student in the Seminary of Perugia (in subdeacon's orders he declared) at the time of Napoleon's Italian campaign, 1797 and later. He left the seminary and was enlisted as a Roman recruit in the army of Napoleon during the march into Russia in 1812. Later he was employed as an Italian interpreter for the French forces. In the campaign of the Netherlands, in 1814, he was enlisted in the English army, was taken prisoner by the French and, later, in an exchange

Hogan was not present in this meeting. The reason for apparent haste in getting rid of Hogan was probably the trouble in New York. Another case was pending in Philadelphia.

of prisoners, was sent to England. From England he came to Canada, where the Bishop of Quebec informs Bishop Conwell, he presented himself as a subdeacon. But, the Bishop says, he did not go to the sacraments. He was employed then as the leader of a theatrical troup. Later he " married " a Catholic woman before a Presbyterian minister, and finally disappeared, going south and leaving bills unpaid in Quebec. " It is reported," the Bishop adds, " that one of this same name was later ordained priest by the Bishop of New Orleans."

Letters from Rome and New Orleans disclose the later chapters of Inglesi's exploits. After his ordination by the Bishop of New Orleans Inglesi was sent to Europe, entrusted with a mission to collect funds for the Propagation of the Faith in America. Remarkable success is reported in this collecting tour. A charge was brought against him while collecting in the Papal States. He was proved guilty, and expelled or allowed to escape, and returned to America. In a letter to the Cardinal Prefect of the Congregation de Propaganda Fide, Bishop Conwell says that " he is reputed to have great wealth, because he has and retains, it is said, the funds collected in Europe for Bishop Du Bourg." In another letter written to the same Cardinal Prefect in April, 1825, the Bishop reports that Inglesi is in prison. " The asylum of Liberty has been turned into a gaol." [77] The last notice we have of Inglesi is that he died at Port au Prince in San Domingo, June 13, 1825.[78]

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[77] Inter eos nemo peior quam Reverendus quidam Angelo Inglesi, Presbyter dioecesis Ludovicensis, sub regimine Reverendissimi Praesulis Du Bourg, qui per eum deceptus est fere in ruinam—Iam nunc Inglesi commoratur in hac urbe. Iste Inglesi dives habetur,

About the end of August, 1823, Hogan was brought to trial in the courts of Philadelphia on a charge which reflects seriously on the uprightness of his moral life. The charge is referred to in the *Concatenation,* where it is implied that the jury was influenced in acquitting Hogan and putting the burden of costs upon the State.

A like charge had been made against the Bishop, of which an account is given in the Bishop's letter to Cardinal Somaglia. The woman in this case had been sent to prison for perjury in March, 1823. She was tried in the Court of Quarter Sessions October 6, 1823, found guilty and sentenced to three years imprisonment and the costs of the prosecution. Facts brought out in the trial point to Hogan and Mr. Charles Bazeley as leading conspirators and the authors of this design to ruin the bishop's reputation.[79]

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quia possidet et retinet, ut fertur, erogationes et collectas factas in Europa pro Rmo. Du Bourg.

In a letter of April 25, 1825, the Bishop says Angelus Inglesi in adulterio flagranti captus a marito, ut asseritur, iam longo tempore incarceratur per Inquisitores Philadelphiae, etiam in Refugio Libertatis.

[78] Shea in Vol. III, p. 248, Hist. Cath. Church in U. S., states that Inglesi died in San Domingo, Port au Prince, June 13, 1825.

[79] Testimony in trial October 9, 1823—" That Hogan had sent her to Bazeley's, and followed her immediately. There, being all three together in a private apartment, they both persuaded her to swear the child to the Bishop. That she had remonstrated against it, on account of the danger of being brought into trouble knowing very little about the law. Bazeley sent Hogan out of the room and urged her more strongly, saying there was no danger. That he could swear the like himself against the Bishop. She pursued the

In the same board meeting in which Inglesi's renunciation was received declining to be " presented " to the Bishop, it was " resolved " by the trustees that Hogan's resignation, which was then before the board, would not be received. The committee on assistance for Hogan was instructed to thank Inglesi " for his kind intentions " in the name of the congregation.

course pointed out by them, which she regretted exceedingly, because she perjured herself by their advice, as she never had any acquaintance with the Bishop."—*Concatenation*, p. 89.

# CHAPTER XV

## THADDEUS J. O'MEALLY IS ENGAGED AS PASTOR OF ST. MARY'S

The first notice referring to the Rev. Thaddeus O'Meally, the third "assistant" and successor of Hogan in St. Mary's is made in the minute book of the trustees under date of October 16, 1823. The committee reports "the arrival in this country" of O'Meally. The committee is authorized then "to make such arrangements for procuring the assistance of Mr. O'Meally as, in their opinion, may be necessary and advisable."

In the next meeting, October 20, it was "Resolved that the Rev. T. J. O'Meally be and is hereby presented to the Rt. Rev'd. Bishop Conwell as Pastor of St. Mary's Church."

The "pastorate" of O'Meally at St. Mary's is marked by no new developments in the history of the schism. The points of real interest and importance are, first:—Why did O'Meally come to Philadelphia? Second: — Why did he take the place of Hogan to fight the cause of the trustees? O'Meally's motives and the reasons and explanations given by himself are found in a long letter addressed to a "Most Reverend Sir"—evidently the Archbishop of Baltimore dated December 15, 1823. This letter is now in the Propaganda Archives, Rome.[80] Substantially the same reasons and the same technical distinctions were held up to ridicule by Bishop England in the current issues of the *Miscellany*.[81]

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[80] Photostatic copy in Cathedral Archives, Philadelphia, marked Vol. VI, America Central, no. 151.

O'Meally admits in this letter that he came to Philadelphia invited on Hogan's recommendation. He says that he reached Philadelphia, October 14, 1823. The following day he called to see the Bishop and presented his papers [82] to which the bishop " made no objection." He offered the Bishop his services. The offer was "promptly and ungraciously rejected." The Bishop also said something about " excommunication." A few days later, O'Meally says, he received an admonition from the bishop forbidding him to " say Mass or to perform any other priestly functions in the diocese " under pain of excommunication. The reason for this prohibition, the Bishop said, was that he had been informed that he (O'Meally) had " come for the express purpose of upholding the schism."

Here follows a chapter of rather unusual distinctions and interpretations of the law, by which O'Meally convinced himself apparently that he had not disobeyed the Bishop's orders. He proceeds to prove to the Archbishop that he had kept within the bounds of a good conscience, and observed the law to the letter.

In answer to the letter of the trustees, which " presented " T. J. O'Meally to the ordinary " as pastor of St. Mary's the Bishop replied that " he did not recognize any right of presentaiton as vested in the trustees." O'Meally then asked the Bishop by letter to waive the right of the trustees for the present, to let it be decided by another court; but, in the mean time, to permit him to act as pastor of St. Mary's. The Bishop took no notice of this letter. O'Meally then wrote to the Vicar General, Father Harold, who also ignored the request. O'Meally now "resolved to enter upon the office of Preacher." The Bishop had forbidden him to "say Mass" or perform any other "priestly function" in the diocese. "Preaching is not a priestly function," he reasons: "Deacons may be permitted to preach." He "preached"[83] in St. Mary's "three or four Sundays, before Hogan quitted Philadelphia." Hogan, it is known, left Philadelphia, sailing from New Castle for Ireland, November 20, 1823.

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[81] See *Bishop England's Works*, Reynolds Edit., Vol. V, pp. 197-201.

[82] It is not stated what the nature of the papers was. Bishop England charges that the letters were not from the last Bishop under whom he was employed.

In the text of the letter announcing the excommunication of O'Meally which was directed to be read in the churches of the city—St. Joseph's, St. Augustine's and Holy Trinity, Sunday, November 30, the Bishop states that O'Meally had "presumed to preach publicly in St. Mary's Church Sunday, the second day of this present month, contrary to the canons of the Church; he not having received license from me to that effect; and in defiance of my express prohibition, given verbally in the first instance, and subsequently in writing under my hand and the seal of the diocese, dated the fifteenth day of October last, and forbidding him, under pain of *excommunication, to be incurred by the fact,* from exercising or attempting to exercise any clerical function within this diocese."

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[83] Mr. Griffin in the *Life of Bishop Conwell* says that O'Meally said Mass in St. Mary's November 21, the day after Hogan's departure. *Records* Am. Cath. Hist. Soc., Vol. 27, p. 148.—This dos not appear to be the fact according to O'Meally's Apologeticus.

O'Meally undertakes to prove to the Archbishop, in the letter cited above that the Bishop was wrong in the "monitory," and consequently, all that followed the "monitory" was wrong: and O'Meally, by force of his own inferences, is right.

"He (the Bishop)—O'Meally argues—" grounded that sentence upon my defiance of his *monitory.* I was not, therefore, prevented by the excommunication, which I considered unjust, because undeserved and informal (sic) on its own showing, from officiating on the following Sunday at St. Mary's as pastor."

First, he found a distinction, which would permit him to preach to Hogan's flock in defiance of the prohibition of the Bishop that he may "exercise no priestly function within the limits of the diocese." Now, because his motives had been misjudged, because he had come, not to "uphold the schism," but "to make peace," he decides that there is nothing to prevent him from celebrating Mass or officiating in St. Mary's in defiance of the sentence of excommunication which has been published against him in the churches of the city.

This, of course, is just what the trustees were working for. So long as O'Meally, and before him Hogan, were willing to act for them as "pastors" of St. Mary's they had the vantage ground of possession. They could hold St. Mary's and keep it open for "services" and defy the Bishop. Actual possession was a strong point in the fight which they were making for the right of presentation and the *ius patronatus* over St. Mary's. O'Meally was a useful man to uphold their cause; and the trustees voted to make his salary the same as Hogan's, one thousand dollars a year, with house rent, not to exceed three hundred dollars.[84] O'Meally continued to officiate at St. Mary's in virtue of the trustees' appointment and by right of his own judgment, notwithstanding the sentence of excommunication which had been pronounced against him, from the thirteenth day of November, 1823, to the first day of April, 1825.

The Trustees' minute book April 16, 1825, records that O'Meally's salary as pastor of St. Mary's ceases from the beginning of April, 1825; but other sums are approved for payment, for the translation and the printing of certain documents, and to pay the expenses of O'Meally, who is empowered to go to Rome as the representative of St. Mary's congregation—" for the purpose not only of settling the differences therein (in St. Mary's) but for procuring, if practicable, the establishment of some rational and fair system for the administration of the affairs of the Catholic Church in the United States." The congregation at St. Mary's was to be notified from the pulpit that the " Rev. Thaddeus J. O'Meally be empowered to proceed to Rome," but the following letter will make it clear that his authority came from the trustees.

" We the Trustees of St. Mary's Church in the city of Philadelphia do by these presents invest the Rev. Thaddeus J. O'Meally with full powers as our representative to negotiate with the competent authorities of the Holy See, agreeably to our written instructions of this date, such a concordat and to enter into such mutual stipulations with them as may be found most practicable and best calculated to prevent the recurrence of any mischievous collision between the ordinary of this diocese and the trustees of the church, by accurately defining the boundaries of the rightful powers of each party."

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[84] This was in the meeting of November 20, 1823, the day on which Hogan left for Ireland. O'Meally's salary was to begin November first, 1823.

Instruction—"The Rev. Mr. O'Meally, in stipulating, in virtue of the powers invested in him by our Diploma of this date for a settlement of the points involved in the controversy between us as trustees of St. Mary's Church and the ordinary of this diocese, shall on no account consent to forego our claim to the *Right of Patronage* in the said church; or, should it be found impracticable to reconcile the conditions of that right with our peculiar circumstances, he shall secure to us, at the least, an influence in the appointment of our Pastors, equivalent to that which the said Right would secure."

Philadelphia, April 15, 1825.

O'Meally reached Rome in July, 1825. His formal confession of fault and error is dated August 17, 1825, but in that confession, reference is made to an earlier retracting and promise made July 25. A translation of O'Meally's confession follows:—

"I the undersigned Thaddeus Joseph O'Meally, priest of the diocese of Limerick, who to my supreme misfortune have been made a participant in the schism of the Trustees of the church of St. Mary in the city of Philadelphia in North America; and even more, holding the place of pastor in that church against the will and the command of the lawful bishop, the Right Reverend Henry Conwell, I became the leader and the standard bearer of the schismatics. I do therefore, again affirm and promise in my own handwriting subscribed before a notary and two witnesses on the twenty-fifth day of July. And moreover, to exclude all suspicion of falsehood and deceit, I do take my oath, plainly and openly that never again will I take upon myself the office of a delegate or a mediator or a counsellor; or under any other title or in any manner or for any cause, whether before the Holy See or elsewhere, privately or publicly, directly or indirectly will I ever uphold the controversies which are agitated by the trustees of this same church of St. Mary. And in order that our most Holy Father by divine providence Pope Leo XII, from whom I have asked humbly to be absolved from the censures which I have incurred, may have assurance, according to prudence, that these things are truly promised by me, to which I have also sworn, I most willingly subscribe this my handwriting this seventeenth day of August in the year 1823, in the house of the Sacred Congregation de Propaganda Fide." [85]

Signed THADDEUS JOSEPH O'MEALLY

O'Meally returned to Ireland. He died in Dublin in 1877, January 2, aged 84. The acknowledgment of error signed in Rome was evidently sincere. At the time of his death he was serving as chaplain in the Convent of the Presentation in Dublin.[86]

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[85] In a letter dated July 30, 1825, from Propaganda to Bishop Conwell, the Bishop is to be assured that O'Meally will cause no more trouble: Licet igitur adjuc moretur in Urbe O'Meally neque agit neque aget certe de negotio.

This same letter states that the Cardinal is sending a copy of O'Meally's Confession with his promise never again to meddle.

[86] See O'Meally in the *Dictionary of National Biography.* Also in *Oliver's Collections,* p. 369. O'Meally is described, but the irregularities of his mission in America are not given.

# CHAPTER XVI

## Plans for a New Cathedral

After O'Meally left Philadelphia in May, 1825, to be the trustees' Ambassador at Rome, St. Mary's was closed, and remained closed until it was reopened by authority of the Bishop in December, 1826.[87] Hogan's "pastorate" had extended from May 21, 1821, to the end of October, 1823. O'Meally's salary as "pastor" ran from the end of November 1823 to the sixteenth of April, 1825. He was paid also for the translation of some documents; and the sum of five hundred dollars was advanced to him to pay expenses in carrying out the commission to Rome. For more than five years the Cathedral was closed against the Bishop and loyal Catholics who supported his authority. They were forced to return to old St. Joseph's, which had been too small for the congregation in 1763, when St. Mary's was begun. These faithful Catholics were called upon to pay for the enlarging of St. Joseph's; and at the same time many of them, for two years at least, kept up their pew rent in St. Mary's in order to enable them to vote at the annual election of trustees.

The Bishop refers to a plan to build a new Cathedral in several letters written during these years. To leave St. Mary's to the "atheists" and their "unbelieving" crowd is an expression which reveals his purpose and his attitude to the men who employed Hogan and O'Meally.

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[87] There was a tradition supported by a manuscript, which Mr. Griffin quotes in the Life of Bishop Conwell, that the Sexton unlocked St. Mary's every Sunday during these months. The Sexton is styled "prime minister" of the trustees in this document, and the official who "Buried their dead."—See *Records* Am. Cath. Hist. Soc., Vol. 28, pp. 80-82.

In a letter written to Cardinal Somaglia June 8, 1824, the Bishop makes it clear that he has received the approval of the Sacred Congregation to proceed with his plans for a new Cathedral. He tells the Cardinal, probably on the advice of his legal counsellors, that the ground it to be bought and the building paid for by funds which will be under his own control. If this is not done, he says, the old trustee quarrel will come up again, and the condition of the clergy will be worse than before.[88] The ground, he continues, can be bought for twenty thousand dollars; and the building without ornament and furnishing would cost thirty thousand. "If I could have twenty thousand from Europe to buy the ground, for the reasons given, the building could go on within six months by means of American money." [89]

In March of this same year, 1824, the Secretary of Propaganda writes the Bishop that five hundred *scutata* will be paid to him toward the new Cathedral by draft forwarded to him through the Vicar Apostolic of London, William Poynter. In April, 1824, ground was bought at the corner of Ninth and Walnut Streets for a new Cathedral. This purchase is reported in the *Miscellany,* Bishop England's paper, May 12, 1824. There is no evidence of further action in the plan. Naturally interest in the new Cathedral waned when the agitation was renewed for an "agreement" in 1825.[90] Then came the "Pact" of October, 1826, and the rejection of the "Pact" by Rome in May, 1827. This placed St. Mary's again under the authority of the Bishop, and consequently there was no immediate or urgent need for a new Cathedral. It is to be noted, however, that when St. John's was built, in 1830 we have the original purpose of 1824 carried out. Marc Antony Frenaye, who financed the building of St. John's, says distinctly that the church was built by private funds to meet the demands of the time and to defeat the arrogance of trustee management.[91]

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[88] Benevolentia Sac. Congr. Quoad novum Templum aedificandum in hac civitate omnium animos erigit, et consolatione maxima, exinde sperantes fore ut in posterum omnis causa dissidiorum radicitus evellatur ubique in Foederatis Americae Provinciis. Omnes enim procul dubio, qui non sunt omnino deistae, consentient sese componere ad normam ecclesiae Philadelphiensis, cum viderint quod in vanum laborarent, et quod nil sibi nisi scandalum sibimetipsis acquirerent ulterius progrediendo:—Si enim emptus foret aere proprio laicorum, postea semetipsos obtruderent, dicentes se esse dominos loci, proindeque iura Aedituis propria sibi competere debere, et sic conditio cleri posterior fieret peior priori.

[89] Aedificium foret constructum postea intra sex menses per nummos Americae Foederatae.

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[90] Paulatim pauciores fiunt in dies, quod spem excitat separationis eorum in processu temporis ex natura rei, Deo sic disponente. Et haec nostra spes est inter causas cur visum est postponere novi templi aedificationem: aliunde obstant impensae aedificationis et pretium agri pro templo, quem emerant in conspicua parte civitatis pro summa immensa 40,000 scutata.

[91] See statements of M. A. Frenaye printed in *Records* of Am. Cath. Hist. Soc., Vol. 38, pp. 132-143.

# CHAPTER XVII

## LAST YEARS OF HOGAN

Hogan, as has been said, sailed for Europe from New Castle, November 20, 1823. Bishop Conwell in a letter which is not dated, but which was written in answer to a letter from Propaganda of September 23, 1823, says "Hogan has left for England, and, it is said, he is going on to Rome to blame the Pope; but, before he went, he became publicly a Free Mason (Franc Maçon). He carries his certificate of membership."

In March, 1824, Hogan was back in the United States. In a meeting of the trustees held April 4, 1824, they report "a communication from the Rev'd. Wm. Hogan, dated Charleston (S. C.), March 28, 1824, tendering his resignation as pastor of St. Mary's Church." The resignation was accepted, but the secretary was directed to inform Mr. Hogan that this action was considered unnecessary by the Trustees, as "his abandonment of the church in the month of November last was conceived to be a virtual resignation of his rights as pastor."

In June, 1824, Hogan was in Philadelphia again and threatening trouble for the trustees in St. Mary's. In a meeting of the board held June 26, 1824, the minutes record that a public notice has been issued "stating the determination of the Rev'd. William Hogan to preach in this church on Sunday next." The secretary was directed to inform Mr. Hogan that any attempt by him to preach or to discharge any pastoral duties in this church for the present will be opposed by the trustees, and they will hold him accountable for the intrusion and all or every injury they may sustain therefrom.

Judging from the newspaper accounts of the time it would appear that Hogan's actions were meant to vex and worry the Trustees. In a long apologetic, which is signed by Hogan dated Philadelphia, July 22, 1824, and printed in the *National Gazette,* July 24, he says that he had heard, while he was in Charleston, that Mr. Meade and five others of the trustees were entering into negotiations to make peace with the Bishop. One of the conditions of peace, he was told, was his (Hogan's) "removal" from the pastorate. Just what his "removal" means is not clear. Hogan had removed himself, he had resigned and the resignation had been accepted by the trustees. After a wordy tirade against six of the trustees and more arguments to justify himself, Hogan lays down conditions under which he will consent to serve the trustees at St. Mary's and renew his pastoral duties:—

> "If you declare yourselves independent of the Court of Rome, and insist upon the right of electing your own bishop and pastors. If you consent to the free circulation of the Scriptures. If you consider yourselves on an exact footing with the Greek Catholics, and will denominate your church, *The American Catholic Church,* I shall feel a pride in being your pastor."

The trustees evidently were unwilling to change the title of St. Mary's from "Roman" to "American" Catholic-Hoganite of course. Two of the trustees were appointed to serve, in turns,—a sort of police supervision, to secure peace and order during the Sunday services in July and August. But Hogan must have left Philadelphia not later than an early date in August.

The Philadelphia papers carried the notice of Hogan's first "marriage" in Wilmington, North Carolina, August 9, 1824.[92] The lady was Mrs. Henrietta McKay. Bishop England in the *Miscellany,* December 15, 1826, says that Hogan was studying law and preaching in the protestant churches of Wilmington during the life time of the first "wife." A notice prefixed to one of Hogan's vile prints, copyrighted in 1846, reprints the Certificate, which admits William Hogan "to plead and to practice in several Courts of Law and Equity in the State of Georgia." This certificate of admission to the Courts of Georgia is dated November 1, 1827, and is signed by Judge James M. Wayne.

Hogan's first "wife" died in Wilmington, North Carolina, in January, 1826. A second "wife," also a widow, Mrs. Lydia Gibbs Gardener was taken in Savannah, in January, 1828. This Gibbs Gardener "wife" was born in Petersborough, New Hampshire. She died in Petersborough, September 20, 1875, aged 77, and is buried in the Village Cemetery there.

The activities of Hogan after his admission to the bar in Georgia and his second "marriage" are hard to trace. He was at one time an editor of the *Daily American* in Boston. In 1843, he was appointed Consul at Nuevitas in Cuba. In 1847, Bishop Francis Patrick Kenrick,[93] in a letter to his brother Peter

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[92] *The National Gazette*, Sept. 3, 1824.

[93] See *Kenrick-Frenaye Letters*, pp. 250-252. The Letter is dated Passion Sunday (March 21), 1847.

Richard Kenrick of St. Louis, says that Hogan is in Philadelphia talking on Confession together with Leahy, another reputed ex-priest.[94] He was evidently touring the country lecturing to anti-Catholic gatherings. These "lectures" were probably printed as pamphlets and later reprinted in book form. A short quotation will show the character of these strange hallucinations, if they are not premeditated lies. Hogan is describing what he gives as facts in Philadelphia just before the trustee election of 1822:—

"The Bishop," he says, "called a meeting of all priests and leading Catholics in the diocese. Every lay member was ordered to bring with him a hickory stick. The meeting was held in the church of St. Joseph at the hour of twelve at night. The *Romish bishop of the diocese of Pennsylvania,* an Irishman, not more than a few months in the country, attended in his pontificals, told the multitude who were assembled to lay down their sticks in one pile in order that he might bless them for their use. This was done as a matter of course. The Bishop said mass, sprinkled holy water upon the sticks, blessed them, and this done, the whole party bound themselves by a solemn vow never to cease until they elected a legislature in Pennsylvania that would annul the character of St. Mary's Church; and, as an American citizen, I blush to state the fact, that they succeeded. The charter was annulled by an act of the legislature, and property worth over a million dollars, would have passed into the hands of the Pope and his agents, were there not a provision in the constitution of that state empowering the Supreme Court to pronounce upon the constitutionality of the acts of legislature."

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[94] Leahy, who was "lecturing" with Hogan never was a priest. —See note *Loco citato.*

We can hardly believe that a sane man would so pervert facts and reverse the order of acts of the State Legislature and decisions of the Supreme Court of Pennsylvania, to serve his cause. Surely some in his audience, or some of his readers must have known that it was not the Bishop and his friends, but the trustees under Hogan's "pastorate" who had worked and schemed to change or to annul the charter of St. Mary's. It must have been a subject of information, not outside the common topics of the day, that the decision of the Supreme Court had been in favor of the Bishop and his supporters, and that the trustees had three times failed to have the statutes changed in order to defeat the purpose of the charter of 1788.

It is true that they had not the services of the Associated Press in those days. But the periodicals of the first half of the last century were printing *news*. The facts about the charter and attempts to change it on the part of the trustees were printed and discussed in the newspapers of Philadelphia and New York and in the *Miscellany* of Charleston, South Carolina.

The wonder, perhaps, is not so much in the story of "the midnight meeting in St. Joseph's" and "the blessing of hickory sticks,"—this after all has the fascination of fiction—as in the taste of readers and audiences, which made the broadcasting of the vile rot a paying business. A reprint of Hogan's pamphlets published in 1856 at Hartford, in the Library at Villanova, numbers more than six hundred and fifty pages,[95] with a number of fanciful illustrations. Among the pictures is one in which the Bishop is shown in the "midnight meeting" in St. Joseph's "blessing the hickory sticks." Hogan died at Nashua, New Hampshire, January 23, 1848, more than twenty-seven years before the death of the second Mrs. Hogan.

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[95] The full title of this book is: *Popery, as it was and as it is—Auricular Confession and Popish Nunneries* by William Hogan, Esq., formerly a Roman Catholic Priest—seventy fourth thousand—with several Illustrations, Silas Andrus and Son, Hartford, 1856. Hogan's Portrait is a frontispiece in this book which is gotten up elaborately, like a Sunday School book of the last century, bound in full leather, stamped sides. Hogan's age has been given forty-eight years at the time of his death. He was five years a priest before he came to America in 1819—sixty would probably be more nearly correct than forty-eight.

# CHAPTER XVIII

## GABRIEL RICHARD, PRIEST AND CONGRESSMAN FROM DETROIT IS APPEALED TO BY THE TRUSTEES

The trustees apparently were losing ground. The Bishop makes the statement in a letter to the Sacred Congregation, January 1, 1825, that their number is limited to the trustees and a few "deists."[96] The Hogan episode of the summer of 1824 shows that there is dissension among some members of the Board, and again between the Board and some of those whom the Board represented. Hogan probably had assurance of some support for his proposal to make St. Mary's the first seat of an "American Catholic" Church.

Some time after Hogan left Philadelphia for Wilmington, N. C., in the summer of 1824, the trustees were in communication with Father Gabriel Richard the pioneer printer, priest and patriot of Detroit. It had been suggested that Father Richard might act as judge in a case of arbitration between the trustees and Bishop Conwell.

Father Richard did, according to the record of the trustees' minute book, submit a summary of points for agreement. The terms follow:—

"We the undersigned Trustees of St. Mary's—do propose to give up the church to the Right Rev'd. Bishop Conwell, who will appoint any clergyman he may think proper. We will cause any members (of the congregation) who held pews when the schism commenced, to be reinstated in their pews, or any other (pews) equally as good, leaving any claims of the Trustees, to the right of presentation of clergymen to be decided by the Pope."

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[96] Sub Aedituis cum paucis aliis Deistis, qui congregantur diebus Dominicis; nam pauci iam sunt, et paulatim pauciores fiunt.

The trustees supplemented this proposal of Father Richard by new conditions of their own:

"*Proposition of the Trustees to Bishop Conwell*" First—"That the rights and claims of the clergyman now officiating at St. Joseph's and the clergymen officiating in St. Mary's to the possession of the latter church shall be suspended, until the principles supported by both sides shall be decided by the competent tribunal; and that the Rev'd. Mr. Haydon (Heyden), or any other clergyman to be approved, who has taken no part in the dispute, be appointed to officiate until an authentic account of the decision be received."

Second—"That all the pews now held by the Trustees will be restored to their owners on payment of arrears due on them."

The trustees show themselves here again "playing safe" with the Bishop. They evidently had invited the intervention of Father Richard. Now, when he gives them a formula for the proposed agreement, they take the terms of that formula, reverse the points at issue, and turn the whole proposal into a new form to hold their ground and win the fight.

They begin by putting the Bishop and the priests at St. Joseph's on the same footing with O'Meally, who had been publicly excommunicated, and who was then holding St. Mary's against the Bishop and the loyal

Catholics of the congregation. They even open the way for Hogan, who only three months earlier had claimed his right to hold St. Mary's for the trustees and make it the center of his "American Catholic" followers. The Catholic pew holders were to pay arrears to trustees who had profaned the sacred temple, their former Cathedral, by the presence of their hired priests for four years. If the "competent tribunal", which might be interpreted to mean a civil court, decided in their favor, very well. If the plan failed the trustees lost no ground.

According to the record in the minute book of the trustees a committee of three was appointed to handle these peace negotiations. R. W. Meade, Mathew Carey and B. McCready were to take counsel with Charles Johnson, Joseph Snyder and John Carrell, Junior. The three last named were friends and supporters of the Bishop. The minutes simply state that "they," the Bishop's committee, "declined to present the proposals to the Bishop." In the *Democratic Press* of December 2, 1824, a notice was printed in which the Bishop declares that Father Richard had not been authorized by him to intervene.

# CHAPTER XIX

## TITLE TO ST. MARY'S — THE DEED OF TRUST AND TITLE TRANSFERRED TO BISHOP CONWELL

## NOVEMBER 7, 1825

During more than four years of controversy, while the trustees held possession of St. Mary's and the Bishop was barred out of his Cathedral the actual title of the ground and buildings remained in the name of the Rev. Francis Neale, who was living at St. Thomas Manor, Maryland. The Bishop knew this. He printed a copy of the original deed of trust and transfer in the *Concatenation* in 1824. The Bishop adds, after the text of the deed—" The same portion of said lot was bequeathed to the Rev. John Lewis to guarantee the permanency of the Faith in the church which had been built. The said John Lewis bequeathed it to the next superior pastor, the Rev. Robert Molyneux, by whom the Charter was procured in 1788: and the said Robert Molyneux bequeathed it to the Rev. Francis Neale, who is still living."

The title was transferred to Bishop Conwell by Father Neale, November 7, 1825. The deed is recorded in Deed Book, G.W.R. 9, page 249, and reads as follows:

### DEED OF TRUST

To all People to whom these shall come—

We, Daniel Swan of the city of Philadelphia, in the province of Pennsylvania, coachmaker, Thomas Mallaby of the said city, rigger, John Cottringer, of the said city, taylor, Edward Harrington, of the said city, carpenter, William Hussey, of the said city, taylor, and James White, of the said city, merchant—send greeting: Whereas, in and by a certain Indenture, bearing date the day next before the day of the date hereof, made between James Reynolds, of Moyamensing township, in the province aforesaid, mastmaker, and Bryan O'Hara, peruke maker, of the one part, and us, the said Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, of the other part, they the said James Reynolds and Bryan O'Hara, and for the consideration therin mentioned did bargain, sell, and convey unto us, a certain lot, or piece of ground, situate on the West side of Fourth street, in the said city of Philadelphia; containing in breadth on Fourth street aforesaid sixty-three feet, and depth three hundred and ninety-six feet: bounded Eastward with Fourth street aforesaid, Southward with ground of Christopher Marshall, Westward with Fifth street, and Northward with a lot of Edward Harrington and ground of William Shippen: together with the appurtenances, to hold to us, the Said Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, our heirs and assigns for ever; which said lot or piece of ground, with the appurtenances, were so as aforesaid conveyed unto us, by the direction and appointment of the members of the congregation professing the Roman Catholic Religion and belonging to the Roman Catholic chapel on the South side of Walnut street, in the said city of Philadelphia: and the said lot of ground was purchased with the proper monies raised by a voluntary subscription or contribution of the congregation; and the above recited Indenture was so made and executed, or indented to us in trust, to the intent only that we or such or so many of us as shall be and continue in unity and religious fellowship with the said congregation, should stand and be seized of the said lot of ground and premises, in and by the said recited Indenture granted, to the true intents and purposes hereinafter mentioned and declared, and under the conditions, provisoes and restrictions hereinafter limited and expressed; and to no other use, intent, and purpose whatsoever; that is to say for the benefit, use, service, and behoof of the said chapel and congregation aforesaid, and for a place to bury their dead for ever; and upon this further trust and confidence, and to the intent only that we the said Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, or such and so many of us as shall be, remain, and continue to unity and religious fellowship with the said congregation, (whereunto we now do belong) should stand and be seized of the said lot of ground, with the appurtenances, to and for the uses aforesaid: Provided always, that neither we, nor any of us, nor any other person or persons succeeding us in the trust, who shall separate from the Roman Catholic congregation for the time being, belonging to the chapel aforesaid, or by the minister, preacher, or clergyman of such chapel for the time being, shall be declared out of unity and religious fellowship with the said congregation, shall be capable to execute their trust, or stand seized to the uses aforesaid; nor have any right or interest in the premises aforesaid: but the estate, right, title, and interest of such separatist, dissenter, or person out of unity and religious fellowship in the Lot of ground and premises aforesaid, shall cease and be absolutely null and void, and the whole estate or interest therein shall devolve, remain, be, and be vested in such of the trustees as continue in unity and religious fellowship with the said congregation, and to the survivor, to the uses aforesaid for heirs and assigns of such survivor, to the uses aforesaid for ever. And further, that in all such cases, as also when any of us, or others succeeding us in the trusts aforesaid, shall happen to depart this life, separate, or fall away from the said congregation for the time being, from time to time, as often as occasion shall require, to make choice of, and to name and appoint others to manage and execute the said trust instead of such as shall so die, separate, or fall away; survivors and survivor of us, and the heirs of such survivor, should, upon request of the majority of the male communicating members of the aforesaid congregation, for the time being, either assign over the said trust, or convey and settle the said Lot of ground, with the appurtenances, to such person or persons as shall be chosen, nominated, or appointed, to and for the uses, intents, and services aforesaid. Now, know ye, that we the said Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, for the more effectual preserving that Lot of ground aforesaid, with the appurtenances, for the use aforesaid, do hereby acknowledge, confess, and declare, that our names are inserted in the said recited Indenture, were so inserted and made use of for and on the behalf of the congregation aforesaid—and that we are therein trusted only by and for the members in unity with the said congregation: and that we do not claim to have any right or interest in the said ground or premises, or any part thereof, to our own use or benefit—but only to and for the use, intent, and service before mentioned, under the limitations and restrictions above expressed, and reserved, and to no other use or service whatever.

In witness whereof, we, the said Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, have thereunto set our hands and seals, the twenty-third day of January, in the year of our Lord one thousand seven hundred and sixty.

Sealed and delivered
in the presence of us,
John Glass.
John Reilly.

The 26th day of January in the year of our Lord 1760, before me, John Stamper, Esq., one of the Justices, &c. came the above named Daniel Swan, Thomas Mallaby, John Cottringer, Edward Harrington, William Hussey, and James White, and acknowledged the above writing or deed poll to be their act and deed, desired the same may be recorded as their deed.

Witness my hand and seal, the day of our Lord above

John Stamper

Daniel Swan
John Cottringer
Thomas Mallaby
Edward Harrington
William Hussey
James White

Received, 24th December, 1787, and recorded in the Office for recording of Deeds, &c. for the city and county of Philadelphia—in Deed Book No. 19, page 462.

Witness my hand and seal of office |
the 25th January, A. D. 1788. |

MATTHEW IRVIN, Recorder.

(Declaration of Trust.)

When the Lot had been purchased for the purposes recorded in this Deed, it was agreed upon that the Rev. Robert Harding, the superior Pastor of that day, should get a lease in his own name of a certain portion of said Lot to build a chapel on, for the benefit of the congregation—which was accordingly granted; and the same portion of said Lot was bequeathed to the Rev. John Lewis, to guarantee the permanency of the Faith in the church, which had then been built: and the said John Lewis bequeathed it to the next superior pastor, the Rev. Robert Molyneux, by whom the Charter was procured in 1788: and he, the said Robert Molyneux, bequeathed it, for the use and behoof of the congregation, was a subscribing witness to the lease granted to Mr. Harding, which established the settlement on the condition that Mr. Harding should have the church and its appurtenances, as a recompense for his agency in building it; and to prevent any other doctrine to be taught in it than that of the Roman Catholic Church, for which it was designed, as the following Indenture demonstrates.

This INDENTURE, made the twenty-third day of May, in the year of our Lord one thousand seven hundred and sixty-three, between Daniel Swan, of the city of

Philadelphia, in the Province of Pennsylvania, coachmaker, Thomas Mallaby, of the said city, rigger, John Cottringer, of the said city, taylor, William Hussey, of the said city, taylor, and James White, of the said city, merchant, of the one part, and the Reverend Robert Harding, of the said city of Philadelphia, gentleman, on the other part. Whereas, Joseph Shippen of Germantown, in the county of Philadelphia, gentleman, with Mary, his wife, in and by a certain Indenture of bargain and sale, bearing date the tenth day of May, one thousand seven hundred and fifty-nine, did, for the consideration therein mentioned, grant, bargain, sell, alien, enfoeff, release, and confirm unto James Reynolds, of the said county, mastmaker, and Bryan O'Hara, of the said city, perukemaker, a certain Lot or parcel of Ground, situate on the west side of Fourth street, in the said city of Philadelphia, containing, in breadth on Fourth street, aforesaid, sixty-three feet, and in depth, three hundred and ninety-six feet, as by the said Indenture of bargain and sale, recorded at Philadelphia, in book H. vol. 11, page 308, relation being thereunto had, may more fully and at large appear. And whereas, the said James Reynolds, and Bryan O'Hara, by their Indenture of bargain and sale, bearing date the second day of January following, did, for the consideration therein mentioned, grant, bargain, sell, alien, enfeoff, release and confirm the said described Lot or parcel of Ground, of sixty-three feet front, by three hundred and ninety-six feet in rear, or depth, unto the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, their heirs and assigns, as in and by the said last recited Indenture, likewise recorded in the roll's office, at Philadelphia, in book H. vol. 11, page 308, &c. may appear. Now this INDENTURE witnesseth, that the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, as well for and in consideration of the sum of five shillings, to them in hand paid by the said Robert Harding, at or before the ensealing hereof, the receipt whereof is hereby acknowledged, as for other good causes and considerations, them, the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, thereunto especially moving, have, and either of them hath granted, bargained, sold, aliened, enfeoffed, released, and confirmed, and by these presents do, and either of them doth grant, bargain, sell, alien, enfeoff, release, and confirm unto the said Robert Harding, his heirs and assigns, a certain Lot or portion of Ground, situated on the west side of Fourth street, aforesaid, containing in breadth, at the distance of thirty feet from Fourth street, aforesaid, fifty feet, and in the rear, or depth, beginning at the said distance, eighty feet, for him, the said Robert Harding, to build and erect a chapel thereon, it being part, portion, or parcel of the said first above described Lot of sixty-three feet, by three hundred and ninety-six feet, and bounded on all sides by the same, with the free and uninterrupted use of said vacancy, and of ingress, egress, and regress, together with, and singular, the streets, ways, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and also, all the estate, right title, interest, use, possession, property, claim, and demand whatsoever of them, or either of them, the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, either in law or Equity, or otherwise, howsoever, of, into, out of all and singular the premises, to have and to hold, the aforesaid described Lot, piece, or portion of Ground, hereditaments and premises hereby granted, bargained and sold, or mentioned and intended so to be, with the appurtenances, unto the said Robert Harding, his heirs and assigns, to the only proper use and behoof of the said Robert Harding, his heirs and assigns for ever, as fully, amply, and effectually, to all intents and purposes, as the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, can or may hold and enjoy the same, by force, or in virtue of the last recited indenture, or otherwise howsoever. And the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, do covenant for them and their heirs, that they and their heirs, the aforesaid described Lot or parcel of Ground, hereditaments and premises hereby granted, or mentioned to be granted, with the appurtenances, unto the said Robert Harding, his heirs and assigns, against them, the said Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, and their heirs respectively, and against all and every other person and persons whatsoever, lawfully claimed or to claim, by, from, or under them, or any or either of them, shall and will warrant and for ever defend by these presents. In witness whereof, the parties to these presents have interchangeably set their hands and seals hereunto, dated the day and year first above mentioned and written.

Philadelphia, ss.

On the 24th day of May, Anno Domini 1763, before me, John Stamper, Esq., appeared Daniel Swan, Thomas Mallaby, John Cottringer, William Hussey, and James White, parties to the written Indenture of bargain and sale, and acknowledged the same to be their act and deed, respectively, and desired that the same may be recorded as such, witness my hand and seal, the day and year aforesaid.

JOHN STAMPER

his
DANIEL SWAN
mark

his
THOMAS MALLABY
mark

JOHN COTTRINGER
WILLIAM HUSSEY
JAS. WHITE

Sealed and delivered in the presence of us,
PATRICK O'FARREL
BRYAN, O'HARA
THOS. FITSIMONS, JUN.
THOS. LEMON.

| | |
|---|---|
| Daniel Swan & Al.<br>to<br>Mr. Robert Harding | A lot of Ground containing 80 feet by 50, in the city of Philadelphia. |

Recorded in the office for Recording Deeds, for the city and county of Philadelphia, in Book 1, C, No. 12, page 348, &c.

Witness my hand and seal of office, this 29th day of January, 1811

JAMES CARSON, Recorder.

## AN ACT

### TO INCORPORATE THE MEMBERS OF THE RELIGIOUS SOCIETY OF ROMAN CATHOLICS, BELONGING TO THE CONGREGATION OF ST. MARY'S CHURCH, IN THE CITY OF PHILADELPHIA

WHEREAS the members of the religious society of Roman Catholics, inhabiting the city and vicinity of Philadelphia and belonging to the congregation worshipping at the church of St. Mary, in Fourth street, between Spruce and Walnut streets, in the said city, have requested this house to pass a law, to incorporate them to manage the temporalities of their church, as other religious societies within this state have been enabled to do, and it is reasonable to grant their request:

Sect. 1. Be it therefore enacted and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the members of the religious society of Roman Catholics, inhabiting the city and vicinity of Philadelphia, and belonging to the congregation worshipping at the church of St. Mary's aforesaid are, from and immediately after the passing of this act, shall be, and they are hereby erected into, and declared to be one body politic and corporate, in deed and in law, by the name, style and title of the "Trustees of the Roman Catholic society worshipping at the church of St. Mary's, in the city of Philadelphia," and that they, the said trustees, by the name afore said, and their successors, to be elected as hereinafter mentioned, shall have perpetual succession, and shall be able and capable in law, to purchase, take, have, hold, receive, and enjoy, to them and their successors, in fee simple, or for any lesser estate any lands, tenements, rents, hereditaments, or real estate, whose yearly value, in the whole shall not exceed the sum of five hundred pounds, by grant, gift, bargain and sale, by will, devise, or otherwise, and also to purchase, take, hold, possess and enjoy, any moneys, goods, and chattels, or personal estate whatsoever, by gift, grant, will, legacy, or bequest, and the same land, tenements, rents, hereditaments and real and personal estate (excepting always the said church called St. Mary's, and the lot of ground, grave-yard and appurtenances thereto belonging, or therewith now used and occupied, containing in breadth, on Fourth and Fifth streets, sixty-three feet, and in depth three hundred and ninety-six feet), to give, grant, demise or otherwise dispose of, as to them shall seem meet, for the use of the said religious society, and also that the said trustees by the name aforesaid, shall be able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any suit or actions, and in all or any court or jurisdiction whatsoever, and it shall and may be lawful for the said trustees, by the name aforesaid, to devise, make, have, and use, one common seal, to authenticate all and every their acts, deeds, and instruments, touching their business, and the same at pleasure to break, alter, and renew, and generally that the said trustees, by the name aforesaid, shall have, hold, and enjoy, all and singular the rights, privileges, liberties, and franchises, incident or belonging to a private or religious corporation or body politic, as fully and effectually as any other private or religious corporation or body politic within this state has a right to have, hold, and enjoy the same.

Sect. II. And be it further enacted by the authority aforesaid, That the first trustees of the said corporation shall be and consist of the following persons, to wit. The Rev. Robert Molyneaux, the Rev. Francis Beeston, the Rev. Lawrence Graessel, the present pastors of the said church, and George Meade, Thomas Fitzsimons, James Byrne, Paul Esling, John Cottringer, Joseph Eck, Mark Wilcox, and John Carrell, members of the congregation worshipping in the said church, and the future trustees of the said corporation shall be and consist of the pastors of the said church for the time being, duly appointed, not exceeding three in number, and of eight lay members, of the congregation worshipping in the said church, to be appointed and elected in the manner hereinafter mentioned.

Sect. III. And be it further enacted by the authority aforesaid, That all and every of the members of the said congregation, (holding a pew or part of a pew in the said church, and paying for the same not less than fifteen shillings by the year, and not being in arrears for the said contribution more than six months), shall meet on the Tuesday of Easter week, in the year one thousand seven hundred and eighty-nine, and so in every year for ever thereafter, at such place in the said city as shall be appointed by the said trustees, whereof notice shall be given in the said church, at the close of divine worship, on the morning of the preceding Sunday, and then and there shall choose by ballot the said eight lay trustees, in manner aforesaid, by a majority of those members so qualified, who shall meet between the hours of eleven before noon, and one in the afternoon of every such day, and the trustees so chosen shall continue to be trustees of the said corporation, until the next election, and if the pastors of the said church, duly appointed, shall on any day of such election, exceed the number of three, they shall, among themselves, agree which three of them, the said pastors, shall be trustees for the ensuing year, and shall openly declare, in the presence of all the electors so met at the time of concluding the said election, the names of all the said pastors and members who shall be so appointed and chosen trustees of the said corporation, and their names shall be entered in the books of the said corporation, for that purpose to be kept, and the said pastors so appointed, and members so chosen, trustees as aforesaid, shall be and continue trustees of the said corporation, until the close of the next election.

Sect. IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees and their successors, from time to time, as occasion shall require, to meet together for the purpose of transacting the business of the society under their care; of the time and place of which meeting due notice shall be given to all the said trustees, at least one day before, at which meeting the eldest pastor present shall be president, and if seven of the said trustees shall attend, they shall form a quorum, or board, and shall have power, by a majority of voices present, to make, ordain and establish such rules, orders and regulations, for the management of the temporal business, the government of their schools, and disposing of the estate of the said corporation, as to them shall seem proper. Provided, that such rules, orders, and regulations, be reasonable in themselves, and not repugnant to the constitution and laws of the state.

Signed by order of the house,  
THOMAS MIFFLIN,  
Speaker of the General Assembly.

Enacted into a law, at Philadelphia, on Saturday, the thirteenth day of September, in the year of our Lord one thousand seven hundred and eighty-eight.

PETER ZACHARY LLOYD, Clerk.

## CHAPTER XX

### The Pact of October Ninth, 1826

FROM March to October, 1826, there is evidence in the trustees' minute book that new plans are forming to make peace, or at least to come to an agreement with the Bishop. The main facts which led up to the pact which was signed in October are easily found and followed; but when we look for motives, and ask why the Bishop signed this " treaty of peace," which was in effect a surrender of his rights into the hands of the trustees, the question is one of vexing uncertainty. We may make inference of course, but inference will not take us beyond the limits of probability.

One fact of domestic difficulties is referred to in three letters now preserved in the Propaganda Archives. The Archbishop, Marechal, writing to the Sacred Congregation is evidently making a report on the " pact " at the request of the Congregation. He says:—

" About the end of last September it was the hope of all that there was to be an end to the schism at last. The Cathedral (St. Mary's) had been closed for many months (since O'Meally's departure). There was no priest to serve there. The trustees, seeing that they were an object of public derision, were ready to give back the church (St. Mary's) to the bishop and to the faithful who had remained his loyal supporters. Then some evil minded men went to the bishop and declared that his Vicar General Father Harold and another priest named Ryan were, in league with the trustees, endeavoring to get pastoral control of the Cathedral, (St. Mary's), and that too, independent of the ordinary. The Bishop, now terrified went to the trustees, irreligious men, and they, by fair promises induced him to sign an agreement in which, under certain conditions, he yields to them the right of naming their own pastors "—" The trustees, then, after the agreement was signed, declared, in another document,[97] distinct from the signed agreement, that they acknowledge Bishop Conwell, only by special favor, to be the Bishop of Philadelphia; that in the future they will not acknowledge his successors, but on one condition — that they shall be elected by the clergy of the diocese."

The Archbishop continues that by reason of harmful rumors and reports about the " agreement " he had requested Bishop Conwell to let him have a copy of the pact to be sent to Rome. The Bishop faltered, saying that he himself would send it to Rome, that it would be enough for the metropolitan to have the substance of the agreement. A copy was sent to the metropolitan; but the article by which "the trustees are permitted, under certain conditions, to choose their own pastors " was not included. The declaration added by the trustees that " They would reject future bishops who were not elected by the clergy of the diocese was also suppressed "—

" Mr Harold opposed the pact publicly as being out of line with the laws of the Church. Bishop Conwell, therefore, revoked Harold's faculties as Vicar General;

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[97] See the text of this *condition* following the text of the *Pact* in the Appendix.

and a few days ago he withdrew also Harold's missionary faculties—Now the Church in Philadelphia is divided into two factions. On one side is the Bishop with the irreligious trustees and their followers; on the other are the pious Catholics united."

"Mr. Harold appealed to me against the Bishop but since the Bishop did not censure him, but only withdrew faculties, which are *ad nutum revocabiles,* there is no case for appeal to the Metropolitan."

"This is the latest and the present condition of affairs in Philadelphia." "The Sacred Congregation may be assured that so long as Bishop Conwell remains in the see there can be no hope for a revival of religion: There is danger indeed that so many scandals and dissensions may utterly destroy faith and piety from the hearts of the people."

Francis Patrick Kenrick, later Bishop of Philadelphia and Archbishop of Baltimore, writes from Kentucky and reports the rumors about Philadelphia's troubles which have reached the West—Bardstown, Kentucky.

"I have letters," he says, "from the Bishop of Philadelphia in which he says that the copy of the agreement, which he has heard was sent to me, is not genuine. He declares also that he never saw the *declaration,* which is being circulated as made by the trustees, and tacitly at least approved by the Bishop. He also gives many reasons by which he endeavors to make less grave the blame which is put on him for betraying the cause of the Church. He sent me also some printed leaflets (requesting) that, after reading them, I should favor him with my opinion. I did as he requested. Upon the pact, however, I could not pass judgment, having seen no authentic copy of it.

In reference to the other points, which he had given me, I told him plainly that I thought they would not remove the danger which threatened ecclesiastical authority and discipline from the *conditions* which were reputed to be appended to the pact."

" From merchant traders, who have returned from Philadelphia to these western provinces in the regular course of business, I have learned that there is a report that the Reverend Mr. Harold is not only removed from the office of Vicar General, but now his faculties are taken from him." [98]

"Bishop Conwell had written to me indeed that he had thought of doing this frequently on account of the design formed by Father Harold and another, Father Ryan, of the same (Religious) order [99] to establish themselves, he says, as independent pastors, and withdrawing from the authority of the Bishop.[100]

I inquired from a merchant trader, a Catholic, worthy of trust whether any reason had been given by the Bishop for his action against Mr. Harold, and what is the feeling among the people. He replied that the Bishop has declared publicly that he knows of no moral fault,[101] and had no suspicion of any in Father Harold; but that the censure was issued at the request of the clergy on account of his (Harold's) want of respect for episcopal authority.[102] He said that all, Catholics and Protestants, excepting only the former partisans of Hogan, hold Father Harold in high esteem for his mental gifts and his good life; that the impression prevails that the other priests who advised the Bishop to the censure against Harold did so because they were envious. Father Harold it is said has already proceeded against those who thus counseled the Bishop according to civil law.

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[98] Suspensionis censura irretitum mox fuisse.

[99] Both Fr. Harold and Fr. Ryan were Dominicans—see below, page ——, on the later years of Father Harold.

[100] This before the clear definition of rights and obligations of religious orders and congregations in the *Romanos Pontifices* of May 8, 1881, would not appear so impossible as it now seems to be.

[101] Nullam Labem.

If it is permitted to me to say what I hold by conjecture, my suspicion is that the priests and the Bishop thought that Father Harold, carried away by ambition, was paving the way to Cathedral honors for himself, taking advantage of the strong opposition to the Bishop made by reason of the conditions appended to the pact. Whether this was out of zeal for the Faith and the discipline of the Church or from the promptings of ambition I dare not decide. So far as I may judge, however, from what I have heard, I think that the suspending (of Mr. Harold) was not prudent. I think also that the Bishop is not fitted (by temperament) to settle the dissensions that have unhappily risen. I stand firm therefore, in my judgment that the welfare of the Church demands that another prelate be appointed for the See of Philadelphia, Bishop Conwell resigning of his own free choice. (This, he writes me, he requested from the Holy See a year ago, asking to be transferred to some See in Ireland). I would not wish to see Father Harold raised to that dignity, lest he find the clergy pitted against him."

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[102] ob defectum venerationis erga suam auctoritatem. Acta 1827, fol. 392 *et seq.*

Writing to the Sacred Congregation after the signing of the Pact of October, 1826, Bishop Conwell repeats, with some variations, the same domestic difficulties which were reported by the Archbishop and by Father Kenrick. It is pitiable to follow the text of letters in which the Bishop recounts vexations of harsh treatment from the Friars, Harold and Ryan, while the surrender of principles in the Pact is held out as the end of the schism.[103]

Judging from his letters and the acts of his later life, after the Pact of 1826, Bishop Conwell is a changed man. Was it the burden of years, with the continued strain of rebellion at St. Mary's that finally broke his spirit? Or did the new phase of the fight, opposition from the men of his own household, Harold and Ryan, dishearten and defeat the Bishop? The fact of the change will hardly be denied. For the explanation and influencing factors we may not go beyond the limit of inferences.

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[103] Nil foret utilius nec prodesset religioni magis quam absentia Reverendi Gulielmi Harold Ord. Praed. cum suo socio Joanne Ryan, qui nil faciunt nisi renovare Schisma, quod felicissime terminatur. Attamen facillimum est agitare et iterare talia, itaque, si fiere potest, mihi pergratum esset si Sacr. Congr. dignaretur, vel per se, vel per suam influentiam cum Generali Ord. Praed. (et si hoc fieri potest quamtocius faciendum est) nempe amovere praedictos ad locum ubi requiratur eorum Auxilium. Vol. VI—Phot. 117, Doc. 102.

In a note appended to the Pact which was sent to Rome the Bishop says: Schisma huius Ecclesiae Stae. Mariae felicissime terminatur. Imminet vero alterum per operationem Guil. Vincent. Harold. Ordinis Praedicatorum, nisi interveniat quam primum auctoritas sacrae Congregationis et eiusdem influentia cum Generali Ordinis ut stationem alibi assignet pro Domino Harold et suo socio Joanne Ryan, ordinis quoque Praedicatorum.

The complete text of the Pact will be found in the Appendix. There are nine articles of agreement with six qualifying conditions for the appointing of pastors, added, the Bishop says, by the trustees, after the agreement had been accepted.

The first article declares that "the Faith and doctrines of the Roman Catholic Church shall remain sacred and inviolable"—"Spiritual concerns of the said church shall be committed to the care and government of the Bishop, and temporal concerns to the Board of Trustees."

The Catholic Faith, religion and worship were secured by the Charter of 1788, and reaffirmed by decisions of the Supreme Court. It is not quite clear why the subject should be introduced here at all as a new article of agreement. The terms "spiritual concerns" and "temporal concerns" leave a wide scope for more definite explanations, and a field for misunderstandings rather than agreement.

The Bishop and his priests are to be men qualified by education and training for the spiritual work of the Church. Their mission is to take care of the spiritual life of men; but they are not disembodied spirits. So long as they live in official capacity at St. Mary's they will need material support; and the upkeep of buildings for church and school will not stand alone, apart from the purpose for which buildings are maintained.

The second article provides for a suspension of litigation and suits at law, and the delivery of deeds and documents into the hands of the trustees.[104]

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[104] See the actual transfer from Father Francis Neale, S.J. to Bishop Conwell above, page 137. The text of the Deed of transfer is printed in Chapter XIX.

The third article declares that " the Right Reverend Henry Conwell is hereby recognized as Bishop and Senior Pastor of St. Mary's in the same manner as he was at the commencement of the dispute." There is nothing very reassuring for the Bishop in this article. If we go back seven years to the beginnings of the schism it will be found that the trustees refused to recognize the Bishop as pastor of St. Mary's under any title whatsoever. They elected Hogan even though he had been deprived of the faculties of the diocese, paid his salary, and later the salary of O'Meally, now they ask the Bishop to relinguish all claims to " arrears of salary " for the " privilege," which had been all along his right of reopening St. Mary's. Is this the " recognition " of the Bishop " at the commencement of the disputes " referred to in the third article of the agreement? If there was any other " recognition " it does not appear in the evidences of the time.

The fourth article declares that the Bishop "acknowledges the right of the trustees to recommend suitable persons as pastors of St. Mary's." Then follow seven conditions to clear up difficulties, or to confuse the issue, when the recommended candidates are not acceptable to the Bishop or when pastors appointed by the Bishop are not wanted by the trustees. In theory the conditions seem, perhaps, fair and promising. In practice they surely open the way to disagreements.

The fifth article provides for the appointment by the Bishop of two pastors who are to officiate at St. Mary's with himself.

The sixth article takes up the question of salaries for the Bishop and for pastors to be " determined by the Board of Trustees."

The seventh article assigns the clergy residence: "The small tenement in Willings Alley." This seems to be the same as the house which the trustees had formerly provided for Hogan.[105]

The eighth article declares that the Bishop "leaves the fixing of the salary for himself and the assisting clergy to the liberality and discretion of the Trustees."

The ninth and last article directs that, when "mutually executed" the whole agreement is to be entered in the minutes of the board; and then "St Mary's Church is to be opened under the sanction and authority of the Bishop of Philadelphia."

The "pastors assistant" appointed by the Bishop were William Vincent Harold and Thomas Heyden. Their names are entered in the minutes under the date of the signing of the Pact, October 9, 1826. Under the same date, the Bishop's salary is fixed at two hundred dollars per annum. This evidently is St. Mary's share of the diocesan fund for the Bishop's support. The two assistant rectors Father Harold and Heyden are to receive six hundred dollars a year each. St. Mary's was reopened for divine services Sunday, December 5, 1826.

Appended to the Pact and entered on the same date, October 9, in the minute book of the trustees is the declaration which was to be "delivered to the Bishop." This declaration apparently was not included in the copy of the Pact which the Bishop sent to Rome. The text of the declaration shows that the trustees have not receded from the position which they held seven years before. They still demand, as their right, the privilege of "patrons" of the Church and a right to present their own choice of candidates for the office of pastor in St. Mary's.

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[105] See street and ground plan, page at front.

The declaration follows:—

" Which said agreement was, at the time of executing the same accompanied by the following declaration, a copy of which was delivered to the Bishop viz."—

"The Trustees of St. Mary's Church do hereby declare that nothing in the preceding agreement shall be construed or intended to mean, under any shape or form, a relinquishment or abandonment by them of what they consider their *inherent right* of presentation. On the contrary they declare that the preceding agreement has been entered-into by them solely to restore peace, and with a view to enable them to prosecute more efficaciously their claim for the right as important to the Spiritual as it is to the temporal authorities of the Church; and that peace and harmony can never thoroughly exist till the right is acknowledged and practiced in these United States."

"Further the Trustees declare that nothing contained in the preceding agreement shall be construed as admitting or confirming the principle that the Bishop of Philadelphia, in his own right, is or can name himself a Pastor of St. Mary's Church. For the sake of peace the trustees have consented that Doctor Conwell should from this date be a pastor, but this act done under peculiar circumstances, they declare is not to be considered as forming a precedent."

" Third, and lastly, the Trustees profit of this opportunity to declare that they will with all their energies prosecute their claim to the See of Rome to allow a Bull or a decree against any future Bishop's being appointed unless his appointment shall have been made with the approbation and the recommendation of the Catholic clergy of the Diocese."

October 9, 1826

Signed R. W. Meade
John Ashley
Arch. Randall

It is impossible now to explain why the Bishop did not send this declaration to Rome when he sent the Pact, with his notes appended complaining against the Friars Harold and Ryan. He must have known (we infer from allusions in other letters) that the Pact would not be approved. There was nothing to be gained by concealing the fact of the declaration. It was information evidently meant for the Sacred Congregation though it is addressed to no one in particular. It may be that the Bishop left it to the Trustees to make their own "declaration of rights." But as a supplement to the articles of agreement it is not easy to see why it should not be included in the decision which the Congregation was expected to give upon the Pact.

The relations between the Bishop and the Friars Harold and Ryan are a source of increasing trouble. In a letter of the first day of December, just before St. Mary's was reopened, the Bishop writes to Father Harold:—"In consequence of your insulting language and behaviour to me on many occasions I can not longer recognize you as my Vicar General."

In April of the next year, 1827, the Bishop writes to Cardinal Capellari requesting the Sacred Congregation to take action with the Prior General of the Dominicans to have the two Friars sent to another field of labor. He adds that he now refuses to allow them to continue the exercise of the faculties of the Diocese. This action of the Bishop was taken after a meeting of some of the clergy of the city at St. Augustine's April 1, 1827. The Rev. Roger Baxter, S.J., acted as the Bishop's secretary and communicated with the priests in the outlying congregations. For this action proceedings in civil law were begun against Father Baxter, also against Father Hughes, later Bishop and first Archbishop of New York, for signing a form of admonition which counseled the Bishop to discontinue the faculties of Father Harold.

The Pact was rejected by the Sacred Congregation May 19, 1827. The Bishop writing to the Cardinal Prefect, Capellari in acknowledgment of this decision says:—

"The letter of Your Eminence addressed to me the nineteenth day of May has reached here. It was most grateful to me, and the following day the decision of the Holy See which rejects the agreement with the Trustees of October 9, 1826, was made public. The same was announced by me during the Mass in St. Mary's Church, Sunday, July 22, and by the clergy in other Catholic Churches in the city. Notice will be given everywhere in the Churches throughout the United States, as has been done already by the newspapers. The rejection of this Pact, will, no doubt, be of great advantage to religion, since it is known everywhere. Though evil is not to be done for a good cause, yet in this case good certainly has resulted. The good that I experience is the possession of St. Mary's Church."

The reopening of St. Mary's after five years of interdict seems to have been the one reason which outweighed all else in accepting the conditions of the Pact. The Bishop evidently saw that the Pact would not be approved in Rome; but it appears now that he should have seen also that the conditions fixed by the Pact for the appointment of local pastors are problems of local administration, which must be met and settled here, not in Rome.

Whether the trustees agreed to the appointment of Father Harold and Father Heyden in 1826, or whether they refused to acknowledge the removal of Hogan and O'Meally in 1820 and 1823, the principle remains the same, that is, the Bishop's right to appoint pastors or to remove them independent of the wishes or the judgment of the administrators of money and temporal affairs. Whatever the thought of the Bishop was or his hope in agreeing to the articles of the Pact, he was made to realise very soon that he had yielded the one right for which he had stood firm during six years, and for which the Catholics in Philadelphia had suffered and endured to be shut out of their Cathedral church for more than five years, since May 15, 1821.

The attitude of the trustees was not changed. Instead of an avowed rebel, as in the case of Hogan, the trustees now had on their side, to fight the Bishop, the two most favored and probably the most capable priests in the diocese, the Friars Harold and Ryan.

Just what was the occasion of the first break between the Bishop and his Vicar General, Father Harold, will probably never be known. It makes no material difference. The fact itself is too painfully evident in the letters of the time on both sides.

In the beginning of December, 1826, as we have seen, the Bishop had told Father Harold that he could no longer recognize him as his Vicar General. Eight months later, in August, 1827, the Bishop writes to Cardinal Cappellari that the Friars are making trouble. They have collected money in the city to send a representative to Rome, and they say that they will have him (the Bishop) banished out of the country.[106]

On the twenty-second of September, the Bishop writes again that Harold and Ryan are trying to force themselves into St. Mary's and St. Joseph's, where they endeavor to establish a sort of a benefice for themselves and their successors independent of the Bishop. To such an arrangement, the Bishop declares, he will never yield. He blames them for conspiring with the trustees and charges that their treatment of Father Roger Baxter, S.J., whom they threatened to prosecute in the civil courts, so aggravated the illness of this priest as to hasten his death.[107]

He suggests a compromise. If the Sacred Congregation will make the proposition to their superiors in Rome, he will not object to the Dominicans' establishing themselves as the Augustinians did under Fr. Matthew Carr, acquiring ground and erecting buildings by voluntary contributions of their friends. "I would," he says, "offer to give them the estate five hundred and fifty acres of land given to the Church by the good priest Browers,[108] where there is a church building with residence for a pastor. It is well adapted for college purposes—This is well known to Fr. Anton Kohlman, S.J."

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[106] Dominus Harold, cum suo socio Domino Ryan, Ordinis Praedicatorum tentat omnimodo perturbare Ecclesiam. A sex mensibus me non salutat in via, dum falsas representationes ad Sanctam Sedem miserit, vel missurus est per suum nuntium Dominum Savage, cui collectas fecit per Philadelphiam, promittens me exterminare extra limites Americae.

Inclusas mitto litteras scriptas ab eodem Domino Savage ad amicum in Hibernia. Father Savage was stationed in Albany. The letter referred to makes some sweeping criticism of the hierarchy in America, complains against the influence of the French, and particularly voices his discontent with Bishop Dubois of New York.

[107] Father Roger Baxter, S.J., died in St. Joseph's clergy residence, where the Bishop was living, May 24, 1827.

The work of Father Harold and Father Ryan during the years 1821 to 1826 was service of undoubted merit. The Bishop recognized their worth, and speaks of them in terms of praise in letters to the Sacred Congregation. In the traditions of St. Mary's and St. Joseph's their names were held in high esteem many years after the end of the schism. It is not less evident, however, that things were done in 1826 and 1827 which the priests of the diocese judged to be unethical, if not wrong, in parish administration. The attitude of the Friars toward the Bishop was seen as a bar rather than a help to establish confidence in episcopal authority.

Father Francis Patrick Kenrick, writing to the Sacred Congregation from Kentucky, says:—"Nollem quidem Patrem Harold ad eam (episcopalem) dignitatem evehi, ne forte clerum obsistentem experiatur."

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[108] This is the present St. Vincent Archabbey in Westmoreland County. On the margin the Bishop has written: Clerus non consentit mecum dum propono concedere facultates Dno. Harold ea conditione ut exstruant ecclesiam propriam pro Dominicanis, dicens pacem non esse exspectandam in civitate dum manent sub ulla conditione graviora manent narranda.

Father Anton Kohlman, S.J., who had seen twenty years of active service on the American missions, writes from the Roman College by request of the Congregation:—"Est et alterum, circa quod una videtur omnium sententia, nimirum, spem vix reliquam esse pacem stabilem reddendi mox nominatae ecclesiae quamdiu R. P. Harold una cum suo socio R. P. Ryan (uterque ordinis F. F. Praedicatorum) ibidem moretur. Father Michael Hurley, O.S.A., who had been resident at St. Augustine's since 1803, writes to a superior in Rome, (by whom he had evidently been required to give a reason for signing his name to the Pact of October, 1826), referring to the Bishop and Fr. Harold says: —"De dissidio Episcopum inter et Reverendum Guilelmum Harold iam dudum exorto mihi planissime constat eos nunquam amicos esse futuros. Natura moleste fastosus, et quorumdam obsequio blanditiisque nimium elatus spernit iste atque despicit ingenuos, simplices et fere pueriles Episcopi sui mores; ita ut huius sacerdotis fautores Episcopo publice irrideant, et ipsum audacissime et continue carpere audeant. Saepe saepius Episcopum sum adhortatus, ut sibi, Roma assentiente, adiutorem eligeret ne res huius dioeceseos iterum periclitentur."

It is evident that the Pact, which had been held up by the Bishop as a means to reopen St. Mary's Church, and, possibly, as marking the end of controversy and schism, was beginning to react with all the force of an ill-judged compromise.

The Bishop, it seems, from various references which he has made in letters on the subject, expected the Holy See to reject the uncanonical conditions of the Pact. Such a rejection would appear in 1826 to be clearly a defeat for the trustees. It is not probable that the Bishop anticipated a plot on the part of the clergy, the much favored Friars at St. Mary's, in league with the trustees, to have him removed from his see.

It must have been a disheartening experience to the aged prelate when he found himself standing alone in the struggle for episcopal control of St. Mary's. Heretofore the opposition had come from rebellious priests, Hogan first, then O'Meally in the pay of the trustees. Now the trustees could feel themselves secure, sheltered by the reputation and the past record of the Friars. Moreover, the Bishop's hands were tied by the conditions of the Pact. He was no longer free to remove Harold from the pastoral charge in St. Mary's.

In December, 1826, the Bishop had declared his purpose to discontinue the faculties of Vicar General, which Fr. Harold had exercised for more than four years. In April of the following year 1827, the faculties of the diocese also were withdrawn from Fr. Harold. The result was more confusion and discontent in St. Mary's. The rector of the church supported by the trustees and esteemed by the people, was forbidden to exercise the faculties of the diocese in the care of souls. There had been no open rebellion or act of disobedience on the part of the Friars. Naturally the burden of blame fell upon the Bishop.

Father John Hughes, later bishop and the first Archbishop of New York, and Father John O'Reilly[109] were assigned by the Bishop to pastoral charge of St. Mary's and St. Joseph's to take the place of Fr. Harold and Fr. Ryan, who had been appointed in the place of Father Thomas Heyden. Both these young priests had excellent qualities by character and by training. But to reorganize St. Mary's under conditions then existing seems to have been simply impossible.

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[109] Father John O'Reilly was later on the missions in western Pennsylvania. In 1834 to 1837 he was rector of St. Paul's in Pittsburg. He joined the Congregation of the Mission and died in St. Louis, March 4, 1862.—See Lambing's *Researches*, 1886, p. 93.

The trustees now had the Friars and the better part of the congregation on their side against the Bishop. The conditions of the Pact had been rejected by the Sacred Congregation; but, so long as no new arrangement was made it remained the only approach to agreement in the actual administration of St. Mary's. One merit of the Pact was that it brought both sides to an impasse where both must yield or both recede from a partisan fight for the common good.

July 12, 1827, the trustees addressed a petition to the Pope, Leo XII. They complain of the inexperience and the crudeness of the young priests whom the Bishop had placed in charge at St. Mary's. The blame, however, centers in the "conduct of our Bishop since the Concordat of October, 1826." Regular discourses "at the usual hour of worship in this city have been discontinued since the suspension of the Rev'd. William V. Harold." The Bishop, they say, made a demand for money to pay the salaries of the two inexperienced young priests. "The treasurer of the board refuses to acknowledge such an order for salaries. These priests are unknown to the treasurer as pastors."

It was probably in accordance with counsel received from Rome following these complaints that the Bishop decided to reinstate Father Harold. In a communication to the trustees dated October 17, 1827, he informs them that the Reverend William V. Harold and the

Reverend John Ryan "are authorized to take up pastoral functions in St. Mary's" that "they have received the necessary faculties for that purpose."

The reappointment of Fr. Harold is, I believe, the one point in the long series of contests that can be counted as a decision in favor of the trustees. But the point in controversy in this case was not the principle of choosing their own pastors. It was a disputed side issue, the fitness or the unfitness of the Friars for pastoral work in St. Mary's. Apart from this political move to discredit the Bishop the Friars logically would have been the choice of both the trustees and the Bishop for the charge of St. Mary's. That bit of strategy made the difference. It was now no longer a stand for principle, but a fight for personal prestige on either side. A quiet yielding of personal interests on both sides might have saved the principle of episcopal authority, for which the Bishop and his clergy with the Friars had stood firm during seven years of schism. Neither side was unselfish enough to make the sacrifice which should have been mutual. Rome therefore, intervened, granted the request of both sides, removed the litigants and reestablished authority in a new administration.

# CHAPTER XXI

BISHOP CONWELL IS CALLED TO ROME — FATHERS WILLIAM V. HAROLD AND JOHN RYAN ARE ORDERED TO GO TO CINCINNATI — THEY APPEAL TO THE DEPARTMENT OF STATE IN WASHINGTON — THEY LOSE THEIR APPEAL—THE HONORABLE CAREER OF HAROLD

Notice was given to the trustees in a meeting held June 26, 1828, that Bishop Conwell had been invited to to go to Rome, that the Rev. William V. Harold and the Rev. John Ryan had left the diocese, and that the Reverend William Matthews, Rector of St. Patrick's Washington, D. C., had been appointed Apostolic Administrator and was then in Philadelphia.

In a meeting of August 27, 1828, the trustees accepted the report of a committee which had been appointed to consult with the Administrator, Father William Matthews. The result was the approval by the trustees of two new pastors of St. Mary's—the Administrator himself and the Rev. Jeremiah Keily.

Bishop Conwell sailed from New York for Rome July 15, 1828. The Friars Harold and Ryan had received instructions early in May, directing them to go to Cincinnati. The order to the Friars to leave Philadelphia was given at the same time in two letters, one from the Prior General of the Dominicans, in Rome, the other from the Secretary of the Congregation de Propaganda Fide, conveying the order of the Pope.

We have the text of Father Harold's letter, dated

Washington, July 2, 1828, addressed to the Hon. Henry Clay, Secretary of State, in which Fr. Harold appeals to the State against the order of ecclesiastical superiors in spiritual jurisdiction. The fact of the appeal has been criticised and censured many times. We are not passing judgment here upon the moral responsibility of Fr. Harold's act. We have to do only with the facts and the bearing of facts on conditions in St. Mary's.

To Henry Clay Esq.
Secretary of State
Sir:—

"I have the honor to enclose two letters which I have recently received from Rome and which, it appears to me, justify my communication of them to the Department of State. By both, you will perceive that the injunction of His Holiness, the Pope is laid upon me to leave the city of Philadelphia, where I now reside, and to render myself to Cincinnati, in the State of Ohio; and by that of the Most Reverend Joseph Velzi, Master of the Pope's Palace and Vicar General of the Dominican Order. I am further threatened with known consequences in the case of refusal"—

"It is this infraction of my rights as a citizen of the United States, and my just apprehension of the ability of the Court of Rome to execute its purposes, whatever be their nature, that induces me to appeal for protection to the Executive Authority of this Country."

Signed W. V. Harold

Washington, 2d July, 1828.

The confusion of ideas in this appeal from the spiritual jurisdiction of the Pope seems now almost incredible. The appeal reflects more truly the facts which have been the undoing of Catholic national life in Europe than the calm, better judgment or the theological training of Father Harold.

The Secretary of State, Mr. Clay was away from Washington when the appeal was made. The question was referred to the President, James Monroe by the Assistant Secretary of State, Daniel Brent. As there was no representative of the papal government in Washington at the time, the President directed that the case be referred to Paris, where Mr. James Brown the representative of our government was instructed to consult the Papal Delegate or Nuncio as to the merits of the appeal. The full text of Mr. Brown's answer will be given here. It was communicated to Fathers Harold and Ryan by Mr. Clay under date of November 21, 1828.

Paris—October 13, 1828.

Mr. Brown to the Secretary of State.

" In consequence of the President's request contained in a letter addressed to me in your absence from the seat of government, I called upon the Apostolic Nuncio and mentioned to him that the Rev. Messrs. Harold and Ryan, Catholic priests of the city of Philadelphia, had stated in letters addressed to the Secretary of State that neither the regulations nor the discipline of the Catholic Church gave any authority to the Holy See to issue a mandate to them, as priests of that Church, to transfer their residence from one place to another in the United States, nor to reside or officiate elsewhere than at Philadelphia, where they have for some time been established: that such a mandate would not only be regarded as not obligatory in any Catholic State in Europe, but that it would be considered a highly penal offense to yield obedience or to give publicity to it without a previous concordat or treaty with the Holy See authorizing it; and that they had been advised by Counsel well versed in the laws and Constitution of the United States that the enforcement of such an order by the denunciation of ecclesiastical disabilities or censures would be a violation of their rights and privileges as citizens of the United States; and that they had complained to that Government that the Holy See had thought proper to address to them several mandates requiring them forthwith to depart from Philadelphia and to repair to Cincinnati, in the state of Ohio, to take up their abode there, under menaces of serious and undefined punishment, in case of disobedience.

They, therefore, had requested the interposition of the Government to procure from the Holy See, by friendly explanations a revocation of the mandates, referred to, which they considered calculated to injure their reputation and to disgrace them as priests.

I observed to him (to the Nuncio) that as the United States had no Minister at Rome, and as my residence was nearer that place than any other Minister of the American Government, I had been requested to converse with him on the subject of these complaints, and to request his good offices with His Holiness in presenting the alleged grievances of Messrs. Harold and Ryan to his serious consideration in order that they might obtain redress, if, upon an examination of the circumstances, they should appear to be entitled to it.

In doing so I told him that I was instructed to state to him that the President did not mean in the remotest degree, to interfere with or to abridge the legitimate exercise of the spiritual authority of the Holy See over the Catholic Church in the United States: that, whilst it was expected that the complaints of these priests would be considered; and, if well founded, redressed, I would assure him that any exercise of authority by His Holiness not of a doubtful character, but clearly appertaining to his supreme power in matters of religion, and admitted on all hands to be so, would be received with kindness.

I added that I had already had the honor in a casual conversation with him, to inform him of the unlimited freedom, in religious matters, which prevailed in the United States, which was secured to all its citizens by the Constitution; and which entered into the opinions and habits of the people. I observed that it was to be expected that in a free popular Government the President should feel an interest, which was certainly not diminished by a knowledge of the characters and standing of individuals, who, in this instance, had complained of an infringement of their civil rights.

I informed him that although I was not personally acquainted with either Mr. Harold or Mr. Ryan, I had, in repeated visits to Philadelphia, been told that the former possessed distinguished talents, and was greatly esteemed by many respectable individuals in the City, and I concluded by expressing my hopes that, if the application for redress on the part of these priests should entitle them to it, upon an explanation of all the circumstances, the mandates complained of would be revoked.

His Excellency the Nuncio observed that he had already received a letter from Washington acquainting him fully with the subject of our conversation; and that he felt himself gratified in having an opportunity of an explanation with me respecting it.

He stated that the Holy See had learned with deep concern that dissensions of an unpleasant nature existed in the Catholic Church at Philadelphia, that complaints had been made to Rome against the Bishop by members of that Church; whilst the Bishop was not without friends, who attributed the discontent to causes independent of his conduct and character; that these unfortunate disputes could be settled and harmony restored only by calling the Bishop to Rome, and requesting Messrs. Harold and Ryan to reside for a short time at Cincinnati; that this request had been made without casting any censure on their conduct as priests, that Mr. Harold's talents, zeal and worth as an ecclesiastic were known to the Holy See and duly appreciated, but that in the present inflamed state of mind of members of the Catholic Church in Philadelphia his retirement from that place had become necessary; that as these priests were (as I understood him to say) missionaries, and had taken vows of obedience to their spiritual superiors, he hoped they would go to Cincinnati for a short time, after which he had little doubt of their being recalled to Philadelphia.

He said the President had taken a correct view of the subject, that the Holy See had neither the right nor the disposition, in any way, to abridge, the rights or interfere with the temporal concerns of citizens of the United States, or to exercise any other than spiritual authority over any person under their protection; that Messrs. Harold and Ryan had been mistaken in believing or stating that any infringement on their civil rights was meditated on the part of His Holiness, who neither menaced them with temporal pains, nor intended to inflict other than spiritual punishments; that, if the *consequences* had not been defined, in the mandates, these gentlemen well knew their nature and extent, and that they could be neither of a violent or unusual character.

I inquired of the Nuncio whether it was not unusual and even improper to transmit mandates such as those about which we were conversing, to priests, citizens or subjects of States, between which and the Holy See no concordat or treaty existed, authorizing a measure of the kind.

He answered that such mandates were frequently addressed by the Holy See to priests residing in Ireland and in other States where no concordat existed.

I asked him whether the usual and proper course in such cases was not that of transmitting such mandates to the Bishop to be, under his direction and authority, enforced by spiritual means in the States in which they were intended.

He answered that this was the most regular course, but that the removal of the Bishop from Philadelphia had prevented the Holy See from having recourse to it. He expressed his hope that the mandate would be obeyed, it being addressed to their consciences, which ought to feel its force, as they well knew the consequences of disobedience in their standing as ecclesiastics.

He requested me to assure the President that the Civil Authority of the Government of the United States would be respected, and no infringement on the rights of its citizens attempted by the Holy See, that he would communicate our conversation to His Holiness, and that the interest the President had taken in the affair, would, have its due weight in deciding it.

I concluded our conversation by assuring him that the interest felt by the President was confined to the desire he felt to protect American citizens in their rights, and was not meant to extend to any questions touching the doctrines or discipline of the Catholic Church, nor to the spiritual supremacy of the Holy See.—"

I have the honor to be with great consideration
Sir—Your very humble and obedient servant,
JAMES BROWN.

The explanation of the Nuncio at Paris was evidently accepted by the Department of State at Washington. The letter of Mr. Brown was forwarded to Mr. Harold as an orthodox solution of the case. The spiritual jurisdiction of the Church was not to be understood as trenching upon the powers of civil administration or the political freedom of citizens.

St. Paul's appeal to the rights of Roman citizenship was not an appeal from orders of obedience in the exercise of the Apostolic office. It was a protest against the abuse of authority in the execution of Roman Law.[110]

Father Harold did not go to Cincinnati. After some delay and arrangements evidently with his religious superiors in Rome, he was recalled to Ireland. He sailed from New Castle for Ireland, September 20,

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[110] Acts, XXII–25; XXV–10.

1829. Father John Ryan also returned to Ireland. The work of Father Harold's later years in Ireland indicates that he was esteemed for his worth, despite the unfortunate episodes of his career in Philadelphia. He was Prior Provincial of the Dominicans in Ireland in 1841. Bishop Doyle, the Irish patriot (J. K. L.) James of Kildare and Leighlin, speaks of Father Harold as a dear and intimate friend. After the death of Bishop Doyle in 1834, Father Harold, acting as his literary executor, published his "Analysis of Divine Faith" addressed to English Protestants, particularly the Men of Kent—Dublin, Coyne 1835.[111]

[111] See *Life of Bishop Doyle, by Fitzpatrick,* Vol. II, pp. 154-183-241.

# CHAPTER XXII

## THE TROUBLE IS SETTLED BY ACTION OF THE COUNCIL OF BALTIMORE, 1829 — BISHOP FRANCIS PATRICK KENRICK IS APPOINTED ADMINISTRATOR

Bishop Conwell reached Rome November, 1828. He lived at what he calls the Mission House of the Congregation de Propaganda Fide until July of the following year, 1829. Letters written while he was in Rome, and later in Paris indicate that he was expecting an appointment by the Holy See to a diocese in Ireland or in France.

About the beginning of July, 1829, the Bishop left Rome. He writes to Father Kohlman from the Irish College, Paris, July 10, 1829. The letter gives reasons for leaving Rome, notwithstanding instructions to remain and await a final settlement. He says that "broken health," lack of means and "no good" to be derived from a longer stay were motives for his leaving. As a whole the letter indicates a very unsettled state of mind, disappointments seem to have affected the Bishop's perfect poise of reason and sound judgment.

He speaks of "absence from Philadelphia for the good of the mission—as the Sacred Congregation was led to believe." This would be realized in any other part of Europe as well as in Rome. "But" he says, "I could never think of submitting absolutely to what you require, that is, to give up every thought of returning to Philadelphia without having previously obtained positive leave thereunto from the Sacred Congregation.

Otherwise I should be subject to the same penalty with Harold and Ryan"—"I never heard before" he continues, "that a refractory monk (friar) or priest, who intruded himself into the ministry, and the bishop, who withdrew his faculties (by the advice of his clergy) for having acted so, according to the canons of the Church should be equally punished. The fault of the one was a crime, the act of the other was a duty."—

"But to coincide with the desire of the Sacred Congregation, in regard to my absence from Philadelphia, I shall agree to remain in Europe as long as they shall please *pro meliori bono* on condition of the following formula, which I hope will satisfy—

Episcopus Philadelphiae tamdiu manebit in Europae partibus quamdiu Sacr. Congregatio solverit illi quotannis ex proprio aerario 2000 scuda Romana, bis in anno in antecessum solvenda, dimidiatum singulis sex mensibus pro rata portione summae praefatae, cum damnis et impensis itineris peracti ad votum Sacr. Congregationis, salvis interea titulo et adnexis ad suam Dioecesim de Philadelphia in Statibus Unitis Americae Septemtrionalis—Ego infrascriptus hisce subscribo et assentior."

Parisiis hac die 10 mensis Julii, 1829
Henricus Conwell Episcopus
Philadelphiae in Statib. Unitis.
Americae Septem.

"This I hope will meet your approbation and be consentaneous with the wishes of the Sacred Congr. If the 2000 should be considered too much, the sum may be diminished."

One indication of an unsettled state of mind in this letter is that immediately under the form of agreement, in which he promises to remain in Europe he adds:—

"I shall go to London and see all the bishops of England, Ireland and Scotland before I return to Philadelphia" — "Through necessity, for want of means of existence, I apprehend I must go to America, let the consequences be what they may. The people will support me. I shall remain in Europe, however, this year."

The Bishop did return to America, probably within a month after the writing of this letter. The first Provincial Council of Baltimore was to open the first of October 1829. The long cherished desire to have the troubles of St. Mary's discussed in a synod of the churchmen of the country was probably the dominant thought that urged him, notwithstanding his engagement to remain in Europe.

Bishop Conwell reached New York October the first, but another disappointment awaited him in Baltimore when he found that he was not permitted to participate in the deliberations of the Council. Judging from the incoherence of his many letters of complaint in the years immediately following the Council it appears that he was no longer fit mentally to participate in any deliberative body. According to traditions he was then in his eighty-third year—Ten years of schism, of the experience of plottings and designs against his administration at St. Mary's would be enough to break the spirit of a younger man than Bishop Conwell. One point is certain—his letters are not consistent. If they are rational and logical it is no longer the reason or the logic of a firm grasp of the administrative problems of 1820.

Francis Patrick Kenrick was named Titular Bishop of Arath, Coadjutor of Philadelphia, with full powers of administration, February 25, 1830. This marks the final chapter in the history of schism in St. Mary's. The new Administrator was consecrated in the Cathedral at Bardstown, Kentucky, July 6, 1830. He reached Philadelphia, together with Bishop Conwell, who had gone to Bardstown for the consecration, July 7, 1830. The episcopal residence was still the old St. Joseph's clergy house and the Hogan " Tenement " in Willings Alley.

There is no evidence of activities on the part of the trustees during the first five months of Bishop Kenrick's administration. The greater part of that time was taken up by episcopal visitations. During the month of August Bishop Kenrick visited the congregations and missions in Delaware, and West Jersey. From September 5, to November 8, he was making the visitation of the western part of Pennsylvania and the interior of the state. On the fourteenth of November Bishop Kenrick confirmed " about three hundred and fifty " persons " of whom thirty-seven were converts " in St. Mary's, Philadelphia. This was the first confirmation in St. Mary's since the administration of Bishop Egan in 1813.

December the twenty-seventh day, 1830 Bishop Kenrick stated in writing to the trustees that he himself intended henceforth to exercise the office and the duties of " first Pastor of St. Mary's."

This letter of Bishop Kenrick marks the end of the schism, though it is not the last of opposition on the part of the trustees. Three of the trustese made a report December 31, 1830. Probably this report was not in written form. No record has been found beyond what the Bishop says in his Diary: " The trustees were very much displeased at my letter."

On the first day of January, 1831, the Bishop announced from the pulpit in St. Mary's that henceforth he would take full charge of the congregation. This evidently made the trustees realize that the Bishop meant to rule and to govern the diocese, that the club of the *control of temporalities* was in danger of losing its force as a menace to the free exercise of episcopal authority.

Sunday, the ninth of January, the Bishop spoke to the congregation again repeating his intention of vindicating the rights of St. Mary's as the Cathedral Church of the Diocese, as it had been recognized from the organization of the diocese under Bishop Egan.

A meeting was called by the trustees of all who held seatings in the Church. The meeting was held in the school January 12, 1831.

The Bishop says in his Diary that Charles Johnson vigorously supported the rights of the Bishop; and it was proposed that assembled seat-holders fix the honorarium for the Bishop as first Pastor of St. Mary's. But the Bishop would not consent to have such an action passed over the heads of the trustees.

The regular election of trustees for St. Mary's was held April fifth, 1831. The old board was reelected " by means," the Bishop says, and by " methods, quite unworthy in getting votes."

The newly elected old board of trustees called a meeting April 8, 1831 with no notice to Bishop Kenrick. The following day, April the ninth after Mass in St. Mary's the Bishop announced that henceforth so long as the trustees persevered in opposing his authority, he would hold services in St. Joseph's.

St. Mary's was again placed under interdict and remained closed from Sunday April 18 to Sunday May 25, 1831.

It was during the interdict, when St. Mary's was closed, that Bishop Kenrick laid the corner stone of St. John's, May 6, 1831. After the entry in the Diary which notes the foundation of St. John's, the Bishop makes this note:—" The purpose now in mind is to make (St. John's) the Cathedral Church." (*Diary,* May 6, 1831).

Thus after more than eight years of parleying and wrangling the plan of Bishop Conwell for a new Cathedral, which had the approval of the Sacred Congregation in 1823, was carried into effect. The generosity of Marc Antony Frenaye made possible now what could not be done at the earlier date, even by the aid of contributions from abroad.

The quiet firmness and force, the gentle and unobtrusive action of Bishop Kenrick left the old board of trustees literally powerless. The blustering publicity, for which both sides are to be blamed, was now in bad repute. After ten years of pamphleteering, a campaign of personal abuse from either side, and out of which we can still count up more than seventy titles and head lines, the trustees faced defeat in one short sentence of Bishop Kenrick—" You are not a board without me." (*Diary*—April 12, 1831.)

That sentence rests, of course, upon the Decision of the Supreme Court, which has declared that no change in the charter can be admitted that will exclude the clerical members from the board contrary to the mind and intention of the first incorporators; and that no act of the corporation under the Charter can be considered to be lawful, if it is shown that the clerical members of the board have not been granted the right freely to participate in such act.

The efforts of the trustees and the old methods of publicity were impotent against a man who was saying nothing but what had to be said in the ordinary course of administration; who in the meantime was going about his work, visiting the scattered congregaitons and missions of the three states comprised under his jurisdiction; who moreover absolutely refused the " salary " which the treasurer of the corporation brought to him, because the " salary had not been determined in a legitimate board meeting." (*Diary*—April 12.)

The trustees could murmur and demur and display their disapproval and discontent. They even engaged the sympathies of the aged and helpless Bishop Conwell, the victim of their former designs. But to no purpose: publicity and propaganda were now deservedly under par value. Ten years of squabbling to educate the people to their " rights of patronage and presentation " had brought them into disrepute. The spirit of the schism with the noise of opposition which had been its stimulus was dying out. The stand for " rights " which never existed was covered by a retreat.

The Hogan schism is some times referred to as the scourge of Catholicity in Philadelphia. Loss of faith for many families and the descendants of men who were once prominent in St. Mary's is attributed to the old devotion to the cause of Hogan and the disputed "rights" of the trustees. The only answer to sweeping statements like this is of course a question for more information:—Who were they? Every individual case must be settled on its own merits.

A few facts which belong to family history have been gathered here. The purpose is not to prove or to disprove any established tradition, but only to help to complete the record.

It will not be unfair, in face of the tradition of serious losses to note and to mark an entry in Bishop Kenrick's Diary—November 14, 1830:—"This day," the Bishop says, "I confirmed about three hundred and fifty in St. Mary's Church, Philadelphia. Of this number thirty-seven were converts to the Faith." Ten per cent is a good showing for converts in a confirmation class under normal conditions. This was the first time Confirmation had been given in St. Mary's since some time prior to Bishop Egan's death, July 22, 1814. During more than five years of that time the church was closed to the legitimate Catholic services of religion. Then, 1826 to 1828, followed the domestic quarrel between the Bishop and the Friars. The greater number of these three hundred and fifty confirmed had been quite certainly regular attendants at St. Joseph's during the interdict and the tenure of the schismatics at St. Mary's. But the number of converts seems to indicate that noise about the scandal during the schism was perhaps worse than the scandal itself.

Mathew Carey, the publicist and publisher of the first Catholic Bible in the United States, is held out as an example of one whose descendants have lost the Faith through influences of the schism. It should be noted that Mathew Carey is hardly to be classed as a partisan. He opposed extremes of polemics on both sides, though himself severe always in condemning methods which he did not approve. Mr. Carey was attended in his last illness by Father Gartland from St. John's and Fr. P. E. Moriarty of St. Augustine's. He died September 16, 1839, and is buried in St. Mary's burial ground.

Henry Charles Lea, the author of *Superstition and Force; The Inquisition in the Middle Ages; The History of Sacerdotal Celibacy; The History of Auricular Confession; The Moriscos in Spain,* whose works are justly censured for anti-Catholic bias and a one-sided historical method, was the grandson of Mathew Carey. Lea was born in 1825. He was the child of a mixed marriage. The years of his education and intellectual training were the years of Bishop Kenrick's administration in Philadelphia, 1830-1851. There is no evidence of direct influence of the schism upon Henry Charles Lea. The more remote influences are a little too indefinite to be proved. They were there, but there was also the counter influence of reestablished order and religion revived in St. Mary's.

John Leamy, who was chairman of the schismatic Board of Trustees during the years when St. Mary's was closed was a man of wealth and administrative ability. His interests were the development of trade with South America and Marine Insurance. Mr. Leamy also died in 1839 and is buried in St. Mary's cemetery.

In 1852, the widow of John Leamy, Mrs. Elizabeth Leamy and her daughters were the founders of the Protestant Episcopal Hospital at Front Street and Lehigh Avenue. There is no evidence to prove that Mrs. Leamy and her daughters were ever members of St. Mary's, or Catholics in external communion with the Church. It is not improbable the words of Bishop Conwell: "*uxores et filii eorum omnes sunt protestantes*" are verified in the case of the Leamy family.

Charles Bazeley seems to have dropped out of the picture after the evidence of conspiracy in the case of Katharine Nevis.[112] The Philadelphia City Directory of 1829 still gives Bazeley's Ladies Seminary at 75 South Fourth Street. I have not found his name in later Catholic lists.

John Ashley was President of the Philadelphia Insurance Company at 94 South Fourth Street according to the directory of 1829. Ashley states that he was born of Catholic parents, and had been educated in a college in France.

Richard Worsam Meade, speaks of himself in a pamphlet published in 1823, as one of the third generation of Meades in Philadelphia. He says that his grandfather contributed to the building of St. Joseph's Chapel in 1832. George Gordon Meade, the Hero of Gettysburg, did not practice the religion of his baptism in his later life. But another brother, Admiral R. W. Meade of the U. S. Navy lived and died a Catholic (see sketch of the Meade family by Capt. (later Admiral R. W.) Meade in Records American Catholic Historical Society, vol. III, pp. 193-222).

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[112] See above, page 116.

It seems that the Catholic life of R. W. Meade was spoiled by the idea of a Church subject to the State. Education abroad and residence in Europe probably tended to strengthen impressions which came from actual facts and local conditions. From facts observed, in local and temporal arrangements between the Church and various states in Europe his inference seems to have been that the normal condition of the Church is to be subordinate to state authority and rule.

The scandal of ill-judged publicity during the schism was no doubt a contributing cause for loss of Faith in some of the other old Catholic families of Philadelphia. But in such cases sweeping generalities are out of place. Every fact must be studied in its own environment and influences. One thing, however, seems certain: It was not admiration for Hogan and "his attractive personality" that misled Catholics. Hogan's reputation as a priest or a religious leader was no factor in Philadelphia's Catholic life after 1823.

His later carreer as an ex-priest "lecturer" had no visible effect on Catholics in Philadelphia. The "lectures" evidently were part of a program to gather coin. The "lecture" of the ex-priest is an appeal to people who are willing to pay to be entertained, whose tastes are at a low mark in social life, whose influence in religion is of little moment for loss or gain.

# APPENDIX

## I

### MEMORIAL OF THE TRUSTEES AT ST. MARY'S

### to

### POPE PIUS VII, JUNE 15, 1819.

To His Holiness, Pius the Seventh, Vicar of our Lord Jesus Christ, and visible head of His Church, this memorial of the Trustees of the Roman Catholics worshipping at St. Mary's Church in the city of Philadelphia, United States of America, most humbly sheweth—

That about the commencement of last year we had the honor, on behalf of our constituents, of calling the attention of Your Holiness to the state of our religious affairs in this diocese by a petition for the appointment of the Rev. William Vincent Harold to the vacant see of Philadelphia, fully persuaded that our right to do so would be recognized by Your Holiness, as our church, and attendant establishment, have emanated from, and been maintained by ourselves and predecessors.

Not having received any answer yet, we feel apprehensive that our presentation may not have reached Your Holiness, being convinced, that however unworthy we might be, personally, of any notice from Your Holiness, the magnitude and sacred nature of the interests involved, as well as the very numerous and respectable portion of the Roman Catholics we represent, would have insured from Your Holiness the conscious regard which every part of the flock entrusted to your care has never failed to experience.

That lately we have been informed from the Altar, at the time of the Holy Sacrifice by the Rev. Louis Barth, a Frenchman, and of the order of the Jesuits, at present officiating in our church, that he was officially notified of his appointment to the see of Philadelphia; but he then declared that he had refused to accept it.

That this circumstance has again induced us to address Your Holiness in order to lay before you the wishes of the Roman Catholics here, the benefits that will result to the body generally if granted, and the evils that are to be apprehended from a rejection of them. Although your memorialists are fully aware the tenor of their communication is widely different from information conveyed through other sources, they feel confident too, Your Holiness can be at no loss to judge of the degree of credit due to the representatives of men actuated by views of gratifying their ambition, by a servile support of the present system of ecclesiastical mismanagement in this country, and that of those whose only aim is the preservation of the Catholic Religion in its genuine purity and utility for the benefit of themselves and their posterity.

That in one petition heretofore transmitted, but which, for the reason above stated, we suppose never to have reached Your Holiness, we stated that with the exception of the state of Louisiana, most of the Roman Catholics in these United States are either migrators from Ireland or the descendants of such; that in consideration of the privations and sufferings cheerfully and voluntarily sustained by the clergy of Ireland for the preservation of religion and science there during a persecution of upward of three centuries, unrivalled since the creation in atrocity and intensity, a strong attachment subsists between the clergy and the laity, and consequently the clergymen from other countries could be neither so congenial nor useful to us; that, from the peculiar state of society in this country, no supply of native clergymen can be expected; which is fully demonstrated by the many abortive attempts hitherto made for that purpose; that Ireland is the only place we can reasonably look to for a useful and certain supply for the ministry; and that, to insure this desirable object, it is necessary to have some gentlemen of that country in such situations here, as could guarantee a proper reception to those who might choose to emigrate from thence and take up their abode amongst us. For this end we respectfully proposed to Your Holiness to appoint the Rev. William Vincent Harold to the see of Philadelphia, a gentleman whom we well knew to be peculiarly fitted for accomplishing such an object. Your memorialists have reason to believe that the Archbishop of Baltimore, who is a Frenchman, in contempt of both prudence and decorum, has employed his emissaries throughout the United States to obtain signatures to statements for the purpose of frustrating our views in this respect. But we rest in the firm assurance that the sinister views of an individual will not prevail with Your Holiness over the hopes and happiness of so large a portion of the Roman Catholic Community as is comprised in this diocese.

By a concurrence of Your Holiness in our request, a reasonable hope could be indulged of our having a constant succession of Pastors, who would be no less the objects of our affection than our reverence, and thereby strengthening our attachment to the rallying point of unity residing in the Holy See; which could be considered as the dispenser of blessings to us, a circumstance which, if we be not very grossly deceived in the prognostications of the times, ought to be considered as of vital importance to Your Holiness; while a disregard or rejection of it can not fail of producing consequences, for which no one imbued with the slightest particle of faith or charity should upon any rational principles, consent to be for a moment responsible.

That the Catholics of the United States should be dissatisfied and disgusted with the system of ecclesiastical government pursued is a necessary consequence of the spectacle it constantly exhibits to their view. They behold a particular order, primarily instituted for the promotion of the best interests, at the shrine of their own aggrandisement in power and wealth. From the highest to the lowest stations in the Church we perceive a studied effort to introduce a race of clergymen foreign as well to the feelings as (to the) language of the people merely because they are deemed more subservient to the promotion of this object. We have the mortification of beholding the most frivolous and malignant charges made the pretexts for a removal from their churches of beloved Pastors, who discharged their duties with credit to themselves and utility to their flocks, and an attempt made to substitute others, to whom an interpreter would be necessary in the discharge of some of the most material duties of the ministry. The glaring scandal exists of Congregations, comprising a great number of souls, being for years without pastors, because they would not surrender their rights, their honor and their conscience by permitting clergymen to be forced upon them, whom they knew to be both incompetent and immoral; a scandal more deleterious than the efforts of Spinoza or Voltaire, as it necessarily impels to the opinion that clergymen acting in this way can have no belief in the Religion they profess, it being scarcely possible to conceive how any rational being, under a conviction of his accountability hereafter, could deprive a fellow being of the means which he asserts to be necessary for avoiding eternal perdition and obtaining eternal happiness; and we should be blind indeed not to perceive the efforts made to become independent of the control of the Holy See, and with what art its decrees and decisions are rendered nugatory when they cannot be made subservient to the will of the Archbishop of Baltimore, and that particular order, the promotion of whose views he seems to think the only duty incumbent upon him; nor can it be deemed necessary to advert to the days of Nicholas the First to be convinced that a quibble or excuse are (is) always at hand whenever the views of pride or ambition are to be gratified. That this is no overcharged picture of the state of our ecclesiastical affairs the present situation of Congregations of St. Croix, Charleston, Norfolk and Philadelphia clearly proves; and it has produced the conviction of the necessity for a convention of Delegates from the several Catholic Congregations in the United States to devise a remedy for it. What the result will be can not be forseen; but it is obvious the only means left to prevent its being of a calamitous nature, is a seasonable compliance with the request of the people, and a just respect for their rights. In regard to your memorialists this can be accomplished in no way so effectually or satisfactorily as by appointing the Rev. William Vincent Harold to be the bishop of the diocese of Philadelphia, a measure we most respectfully and earnestly solicit Your Holiness to adopt.

Philadelphia, June 15, 1819.
By order of the Board of Trustees
(Signed) AUGUSTINE FAGAN,
*Corresponding Secretary.*

## II

## REPLY OF THE SACRED CONGREGATION TO MR. AUGUSTINE FAGAN, SECRETARY AND TO ALL THE CONGREGATION OF CATHOLICS IN PHILADELPHIA

DIE XI NOVEMBRIS 182C,

{ Archivio di Propaganda
Volum. 301 Fol. 859 }

*Illimo D. Augustino Fagan, secretario et catholicorum Philadelphiae Congregationi universae*

Serius, quam fieri potuisset, exhibitae sunt SSmo. Domino nostro Pio PP. VII Literae Dominationum vestrarum datae die 15 Junii superioris anni, quod fortasse accidit ex praevio obitu P. Jacobi Mac Carnich (McCormick?), cui commendatae illae fuerant. Compertum est autem ex iis alias pracedente anno scriptas a vobis fuisse litteras, quae quidem, nescio quo casu, Romam non pervenerunt—Vestra autem postulatio in eo versabatur, quod cum Revmus D. Aloysius de Bart Philadelphiae episcopus designatus, collatam sibi dignitatem abdicaverit, commune istius catholicae congregationis votum erat, primo ut novus episcopus non amplius ex Gallia, aut ex altera natione, sed ex Hibernia desumeretur, siquidem colonia ista fere universa ex Hibernia originem ducit—Secundo, ut ad huismodi munus eligeretur P. Guilelmus Vincentius Harold, Ordinis Praedicatorum, quem congregatio ista plurimi facit, et aptissimum putat, addens eodem episcopo omnia bene cessura; secus plurima damma esse metuenda —Sanctitas Sua, quae vos paterna charitate complectitur, ac de aeterna vestra salute vehementer sollicitus, est, priorem postulationis partem benigne excepit (accepit) ?, sed non aeque potuit alteri annuere. Accuratissimis enim de P. Harold, non a Baltimorensi Antistite, sed ex Hibernia ipsa et aliunde acceptis vestigationibus, non eas in eo reperiit qualitates quae in episcopo necessariae sunt, ideoque religionis officio illum ad huius modi dignitatem promoveri non posse iudicavit—Alium tamen elegit natione hibernum, qui, Armachano clero postulante, ad primatialem illam S. Patritii sedem praepositus fuerat, scilicet Revm. D. Henricum Conwell, Armachanae Diaecesis virum quidem pietate, prudentia, morum suavitate atque doctrina maxime commendatum. Fore confido ut ipse vobis gratus et acceptissimus sit futurus; ideoque vos obsecro in Domino ut eumdem ad vos accedentem tanquam patrem atque pastorem a S. Apostolica Sede vobis traditum eo quo decet, honore, obsequio et gaudio excipiatis, et in iis omnibus quae in ecclesiastica sunt (disciplina?) ab eo dirigi ducique patimini. Non minus autem ex huius episcopi delectu, quam clericorum qui designati sunt pro duabus nuper erectis ecclesiis nimirum Carolopilis atque Richmondiae, quique omnes Hiberni sunt, satis novisse licet S. hanc Congregationem non dicto tantum Revmi D. Baltimorensis archiepiscopi se referre, aut morem gerere, ut immerito vos arbitramini, sed in electionibus suis eam procedere solere secundum Deum, perequisitis undique informationibus. Non modica autem admiratione nos effecerunt ea quae de jure nominationis episcopi significastis—Si enim colonia ista, ut ipsi fatemini, ex Hibernia originem ducit, nihil profecto plus arrogare sibi posse videtur, quam quod moris est in Hibernia. Exploratum autem vobis est neminem plane in Hibernia jus nominationis habere, sed episcoporum electionem ad S. Sedem libere atque integre pertinere, quae solum iudicat de illorum meritis, qui ab episcopis provincialibus, et a clero vacantium ecclesiarum proponuntur. Liberum aeque est episcopis clerisque istarum diaecesium aliquem postulare vel commendare in episcopum, sed aeque liberum est Summo Pontifici eos eligere, qui ab eo digniores ac magis idonei in Domino iudicantur. Quamvis autem ad ordinem laicorum nullo modo pertineat episcoporum electio, attamen nihil obstat, quominus et ipsum desiderium suum Sanctae Sedi ac testimonium ferre de aliquo possit, optandum enim est ut eligendus episcopus sit etiam populo acceptus. Quamobrem deponite, quaeso, novum hoc vobis attributum ius nominationis, et in Apostolicae Sedis sollicitudine et cura conquiescite, nihil per contentionem vel per inanem gloriam operantes, sed lenitate atque humilitate, quae radix est omnium virtutum, ut Deus pacis sanctificet vos, et in omni bono opere, ac sermone confirmet. Quod dum divinae gratiae vos sedulo praestituros esse confido, omnium bonorum copiam et sempiternam a Deo Optimo Maximo vobis apprecor felicitatem.

## III

### TRUSTEES COMMITTEE TO THE ARCHBISHOP OF BALTIMORE—St. Mary's 1821, March 12

*To The Most Reverend Amb. Archbishop of Baltimore*

We, the undersigned, a Committee appointed by the Congregation of St. Mary's in Philadelphia to mediate between the Right Reverend Bishop Conwell and his curate, the Reverend William Hogan having investigated this scandalous dissension, and ascertained to our conviction that the charges adduced against the Curate are in part frivolous and in part false—that the former Gentleman is misled and injuriously prejudiced against the latter; We have, as the organs of this Communion, and in the temper of sincere conciliation respectfully stated to the Bishop our views and feeling in relation to him and his Curate; we remonstrated, we expostulated, we submissively entreated his Lordship to consider attentively the ground which he had taken, as hostile to moral and religious order, and to recede from it as the only measure which could compose the tumultuary agitation of the flock. We conjured him to annul the suspension of Mr. Hogan—to restore him to the pastoral function—to forgive, not crime, not iniquity, not sin, but a trivial trespass on prerogative—a hasty and inconsiderate breach of pastoral courtesy. But the Bishop is inflexible, inexorable, fixed in his purpose never to admit the harmless curate to his pastoral function—Regarding this procedure as an outrage of personal, civil and religious right, and considering its baneful influence on popular connexion with so great an interest, and by our sympathy for an injured Gentleman, stranger and exemplary pastor, we are determined unitedly to use all justifiable and practicable means for the restoration of Mr. Hogan, never to relinquish him, to urge his interests through all the avenues of the supreme authority; and, when these shall have failed, to honor him, and recognise his just claim to a standing in the pastoral charge we shall prefer a view of his wrongs to the Court of Rome—Not knowing the exact measure of your Grace's authority in relation to suffragans, but believing that your rational influence, or intercessory feeling may incline the prelate to forgiveness and reconciliation, we respectfully obtrude our wish on you as our last resource in America, earnestly praying you not to slight it, and to bear in mind the dangerous end in which this pastoral strife may issue.

The considerations which move us to address your Grace are founded in the reciprocal relations of pastor and flock, in our veneration for the character of Mr. Hogan, and our perception of ill timed exercise of prerogative in the prelate.

The interference of your Grace will probably restore peace and harmony, promote gratitude to you from the Congregation, and be the means of preserving undiminished in America the power of His Holiness the Pope.

Mr. Hogan was suspended December 12 last, and on the 14 the same month he addressed a note to your Grace earnestly soliciting your attention to the case; and as you have not vouchsafed cognizance either of his note or of the request which it contained, he addressed a second note to you on the 16 January much in the same tenor and for the same end—imploring your Grace's protection against injury and outrage, and earnestly but respectfully demanding the right of trial, in which he might confront his accuser, and in which he could vindicate his character from the malignant and scurrilous allegations of his foes—But your Grace not having condescended to grant his prayer, and his character being repeatedly and variously stabbed with slander, the ordinary resource and right of men being refused—the right of trial, in a gust of feeling, which we lament, but cannot condemn, he instituted a tribunal of self defense, he published a small pamphlet, in which his own justification seemed inseparable from an exposure of the moral agents concerned in blemishing and vilifying his character—For this and the offence to the Bishop, if offences they are, he craves pardŏn and forgiveness ready to make any submission, as repeatedly offered through us, which may be prescribed, and in a manner the most public, in the pulpit if required.

The pastoral office is vicegerency, the representative office of Mercy, moral and religious instruction, sanctioned, if sanctified by example—All moral and religious instruction is compressed in revealed truth.

{ (This continues for about three pages closely written seven by ten inches, concluding—) }

——" for they surely love him (Hogan) for they contemplate in him an oracle of divine truth and an image of humanity"

————————(Then continuing)

——All ecclesiastical and civil power is delegated, and all authority is the will of the Superior, operating through the instrumentality of an inferior agent.

When delegated authority is exercised in measure and manner for the end designed, there can be no wrong, no civil offender, no scandal, no sense of grievance, no complaint; for all ecclesiastical authority is delegated by God and all civil authority by the people, when free; in both cases the measure is always proportioned to the end, and in every instance is the moral and civil welfare of the people. Therefore when the people complain and resist authority there is indisputable evidence of abuse, the power then hath degenerated into tyranny: and tyranny is cruelty in its end.

These considerations are submitted to your Grace, and with them we respectfully and fearfully suggest the possibility of a secession, if means are not used to reconcile the prelate and his Curate.

Philadelphia
13 March, 1821

(signed JOHN LEAMY
JOHN ASHLEY
JOSEPH DUGAN
MICHAEL DORAN
TIMOTHY DESMOND

## IV

## ARCHBISHOP MARECHAL'S ANSWER TO TRUSTEES—MARCH 15, 1821

*Gentlemen,*

I am sorry to be under the painful necessity of informing you that my jurisdiction, as metropolitan does not extend to the case which is now the source of the enormous scandal existing in your city—But, if for want of competent authority, I cannot, as the head of this ecclesiastical province, pronounce upon it, I may however, as a Catholic prelate and your sincere friend, tell you that independently of the charges brought against Mr. Hogan, his infamous pamphlets exhibit numerous and manifest proofs that he is a most abandoned character; and that, by defending his cause, you can not but infallibly involve yourselves, your families, and perhaps many hundreds of your fellow Christians in guilt and a boundless spiritual misery.

Surely it would be more grateful to me to give you an answer more consonant to the sentiments expressed in your memoir; but my duty to Almighty God, my attachment to the Catholic Church and my ardent wish for your temporal and eternal happiness do not permit me, in so momentous a case, to speak to you any other language but this of plain truth and Episcopal sincerity

I remain respectfully
Gentlemen
Your obed't, humble svt.
(signed) AMB. ARCH. BALTIMORE

to
JOHN LEAMY
JOHN ASHLEY
JOS. DUGAN } Esq
MICH DORAN
WM. DESMOND

March 15, 1821.

## V

## FORM OF EXCOMMUNICATION AGAINST WILLIAM HOGAN, READ IN ST. AUGUSTINE'S CHURCH, PHILADELPHIA—MAY 27, 1821.

1. Whereas the Rev. William Hogan, not having the fear of God before his eyes, and regardless of his duty as a Christian, and a Catholic priest, has not hesitated to rend and tear asunder the seamless garment of Christ, by causing confusion in the Church and endeavoring to establish a schism, which has already succeeded so far as to divide the congregation of St. Mary's; and which has deprived the clergy and the Roman Catholics of the city of Philadelphia of the use of their Cathedral;

2. And whereas the said William has usurped and arrogated to himself the right of exercising priestly functions, not only without our approbation, but in direct violation of our pastoral mandate forbidding him in express terms to perform any functions of the sacred ministry of the priesthood under pain of incurring the severest censure of the Church;

3. And whereas, by his infraction and further disregard of our prohibition and monitions, many of the flock committed to our spiritual care and superintendence have been led astray, and many are still in danger of being seduced into the like errors by his and their example and arguments, and false reasoning; and, still further, to assist by their presence at the sacrilegious functions of his ministry, which would involve them in like censures, and thus bring a curse upon themselves and families;

4. Therefore, considering the charge we have of their souls as Chief Pastor; and, that we are obliged to

give strict account of them at the last day, when we must all appear together before the tribunal of the all-seeing Judge; and solicitous, accordingly, lest he or they or we ourselves should perish and be lost for ever by neglecting to take notice of such conduct and prevarication; we duly admonished him, in charity, to be on his guard against the delusive snares especially of his greatest enemies, pretending to be his best friends, to beware of the dangers which surround him, and to have recourse to prayer for grace from heaven to enable him to resist and withstand their temptations; but, instead of taking advice and returning to a sense of duty, he became more hardened and obstinate from day to day, and at length totally incorrigible, even so far as to cast off all regard for superior authority, and to be no longer subject to the rules and discipline of the Church and still continues to persevere in this disposition;

5. Wherefore, with a view to the fulfillment of our duty, according to the Laws of God and the Church, we have been under the disagreeable necessity of performing the most painful task of this day in cutting of this incurable member by the sword of excommunication from the body of the Catholic Church—Our Blessed Lord says:—"If your hand or foot scandalize you cut it off, and cast it from you": and St. Paul, in the First Epistle to the Corinthians, desired the evil one to be cut off and put away from among them.

6. Hence, in conformity to the precepts and practice of Our Blessed Lord and his Apostle, and, in Virtue of our commission and the authority of binding and loosing conferred on us as successor of the Apostles We cut off, by the spiritual sword of excommunication the said William Hogan, as a putrid member, lest any of our flock should be led into schism and error by attending the sacrilegious functions of his ministry, and thus treasure up for themselves wrath against the day of

wrath: and hence we sequester and excommunicate him from the Holy Catholic Church, or from having any share in the Spiritual treasure and benefits that are to be had in it through the communion of saints, the holy sacrifice of the Mass or the prayers and good works of the just, and declare him accordingly to be no longer a member of the Holy Roman Catholic Church.

In the Name of the Father and of the Son and of the Holy Ghost.—Amen.

✠ HENRY, Bishop of Philadelphia.

## VI

## LITTERAE APOSTOLICAE PII PAPAE VII
DIE 24 AUGUSTI—1822

Venerabilibus Fratribus Ambrosio Marechal, Archiepiscopo Baltimorensi eiusque Suffraganeis Episcopis ac dilectis Filiis Temporalium ecclesiarum Administratoribus, ac Fidelibus universis Americae Provinciarum

PIUS PAPA VII

Non sine magno animi nostri moerore intelleximus Philadelphiensem Ecclesiam assiduis iamdiu dissidiis et contentionibus ita agitari, ut schismata orta sint, pravae diffusae doctrinae, ac tota ipsa ecclesia in summa rerum omnium perturbatione versetur; idque praesertim his ex causis—Nempe ex insana presbyteri Guilelmi Hogan arrogantia nefariisque ausis, tum etiam ex potestatis abusu quorumdam qui temporalia ecclesiae bona administrant. Pervenit enim ad auras nostras perditissimum istum presbyterum Hogan, spretis atque subversis Ecclesiae legibus, in iudicem se erexisse Praesulis sui, nec dubitasse illius famam pluribus famosisque libellis dilacerare, Fideles a legitimo suo pastore avertere, Episcoporum Concilium ad depondendum eumdem Antistitem advocare per litteras, in quibus ipse tanquam supereminens Apostolicam iis benedictionem audet impertiri: denique in possessionem Cathedralis ecclesiae, expulso Episcopo, sese intrudere. Non illum bonorum querelae, non destitutio facultatum, non excommunicationis poena eidem iuste ab Episcopo illata ab incepto cursu deterrere potuerunt; sed, spretis omnibus, sacramenta ministrare, parochialia omnia munia exercere et sacrosancta mysteria sacrilego ac nefario scelere quotidie celebrare non erubescit reus palam effectus Corporis et

Sanguinis Domini. Execrabilia sunt haec. Quod vero et nos et universam Ecclesiam summa, non modo admiratione sed etiam indignatione afficit, illud profecto est quod presbyter iste in tam manifesto legum omnium contemptu invenire potuerit non paucos sectatores, superbiae et contumaciae suae vindices ac fautores, qui ei potius (posthabita ac spreta Episcopi auctoritate) quam legitimo suo pastori adhaerere maluerint, cui etiam subsidia ad vitae sustentationem denegare non dubitarunt—Gravissima quidem haec est iniuria, non modo Episcopo, sed etiam nobis et Apostolicae huic Sedi illata, ac signum defectionis ab Ecclesiae Catholicae unitate, dum datum iis a sancta Sede Apostolica Pastorem ignominiose reiiciunt et improbum hominem qui ab ipsius ecclesiae communione recissus est, impie sequuntur, minime intelligentes non eos tantum reos esse qui mala operantur, sed etiam eos qui eisdem assensum suum praebent quique vel per se vel per alios auxilium, consilium vel favorem iisdem praestare minime reformidant. Ignorantne ii quod "Spiritus Sanctus posuit Episcopos regere Ecclesiam Dei,* ex quo consequitur Episcopos esse Gregis Christi pastores; satis autem perspectum est quod non grex pastorem ducit, sed pastor gregem? Ignorantne hierarchicum ordinem ita in Ecclesia esse institutum ut presbyteri Episcopis, Episcopi Supremo Christi Vicario subesse debeant, ita ut presbyter ab Episcopo, non Episcopus a Presbytero sit iudicandus, quod si fieret totius Ecclesiae inverteretur ordo ac disciplina. Ignorantne non laicorum esse in ecclesiasticis judiciis sese immiscere, quae Episcopis reservata sunt; proptereaque illos nullam in causa Presbyteri Hogan habere partem, sed tantum Episcopo obtemperare debuisse? Ignorantne denique acta omnia quae ille sacrilege ac temere exercet nulla prorsus atque irrita esse? Hisce autem perspectis omnibus, probe, divina opitulante gratia speramus, ut qui inscitia vel errore eidem adhaeserant et malis illius artibus seducti sunt, agnita nunc veritate, ad rectam semitam redire festinent, et ab impio homine in posterum diligenter cavere, ne illum sectantes participes fiant delictorum eius, ac non effugiant iustum iudicium Dei.

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* Act., XX-28.

Alterum est quod assiduam praebet dissidiis et contentionibus causam, non solum Philadelphiae sed etiam in pluribus aliis foederatis Americae Provinciis; immodicum, scilicet atque effraenatum ius quod aeditui sive temporalium ecclesiae bonorum administratores praesumunt, independenter omnino ab Episcopis. Id quidem, nisi moderatione aliqua limitetur perpetua esse poterit abusuum ac discordiarum origo. Itaque memorare debent bona, quae ad divinum cultum, necnon ad Ecclesiae eiusque ministrorum sustentationem oblata sunt, in Ecclesiae potestatem transire: Sicut, autem Episcopi ex ordinatione divina sunt qui praesunt Ecclesiae, ita ipsi non possunt ab eorumdum bonorum cura, dispositione ac vigilantia excludi. Quare Sacra Tridentina Synodus expresse mandavit administratores Fabricae cuiusvis ecclesiae, etiam Cathedralis, et quorumcumque piorum locorum singulis annis ad reddendam ordinario rationem administrationis teneri, addens (Sess. 22, cap. 9 de Ref.) quod etiamsi praecipua aliqua loci constitutione administrationis ratio reddenda sit aliis ad id deputatis, tamen cum iis adhibendus etiam sit Ordinarius. Quare, si aeditui concordi animo cum Episcopo temporalia Ecclesiae administraverint, omnia pacifice et secundum ordinem fient—Novum autem ac plane inauditum est in Ecclesia illud quod aliquando isthic accidisse accepimus, nempe aedituos et laicos sibi ius arrogasse constituendi pastores legitimis facultatibus destitutos, saepe etiam censuris, obnoxios ut nuper cum Hogan factum fuisse patet; illos etiam pro arbitrio amovendi atque subsidia praestandi cui ipsi maluerint. Si ita acta sunt uti fuit nobis nunciatum, quo pacto tollerari posset tam magna legum, non ecclesiasticarum modo sed divinarum etiam subversio? Ita enim, non Episcopi praeessent ecclesiae, sed laici; pastor subditus gregi suo effectus esset, et laici homines potestatem illam, quae Episcopis divinitus, data est sibi usurpare conarentur. At qui volunt in sinu Sanctae Matris Ecclesiae manere et sempiternae suae saluti consulere, Universalis Ecclesiae leges religiose servare tenentur; et sicuti civili potestati, in iis quae temporalia sunt obtemporandum est, ita etiam in iis quae spiritualia Ecclesiae leges a Fidelibus servari debent. Neque spiritualia cum temporalibus sunt confundenda. Quare ad vitanda dissidia ac perturbationes quae ex incircumscripta aedituorum auctoritate saepe exoriuntur regulas et instructiones quasdam vobis, venerabiles fratres pro aedituorum delectu ac moderamine transmittendas curavimus quibus non dubitamus aedituos se plane conformaturos, quibus servatis merito fore confidimus ut omnia rite componantur, et pristina pax et tranquillitas in istis regionibus reflorescat—Hortamur itaque et obsecramus in Domino; primum satis perspectam pastorum sollicitudinem ut ipsi omni studio dent operam evellendis abusibus et stabiliendae ecclesiasticae disciplinae, opportune, importune instantes, arguendo, obsecrando, increpando in omni patientia et doctrina. Deinde monemus etiam et adhortamur per Viscera Salvatoris Nostri Jesu Christi Ecclesiarum Aedituos coeterosque fideles ut traditos sibi a S. Sede Pastores eo quo decet obsequio, honor et obedientia prosequantur, illos tanquam patres atque animarum suarum directores agnoscere, illorum monitis faciles praebere aures, iis necessaria vitae subsidia suppeditare, non alios sanctuarii ministros excipere nisi qui ab iisdem probati sint. Quiquid denique illi ad rectum ordinem ac disciplinam instaurandam, quidquid at restituendam pacem conferre posse iudicaverint aequo promptoque animo amplecti velint: *Ut non sint schismata, et omnes idem sapiant, eamdem charitatem habentes, unanimes idipsum sentientes; nihil per contentionem neque per inanem gloriam, sed in humilitate superiores sibi invicem arbitrantes.** Et quoniam sub florentissimo isto faustoque regimine Catholicis datum est sanctae suae religionis cultum libere posse exercere, luceat vestra fides ac pietas coram omnibus, ita ut, non modo fidelibus sed etiam iis qui foris sunt, aedificationi et exemplo esse possitis, Deo ac Patriae fideliter servientes. Quod dum divinae gratiae auxilio sedulo libenterque vos praestituros esse confidimus, Apostolicam vobis omnibus benedictionem peramanter in Domino impertimur.

Datum Romae apud Sanctam Mariam Maiorem Die XXIV Augusti, anno 1822—Pontificatus Nostri vigessimo tertio.

Pius P. P. VII

1 Ad Philippinenses, II, 2.

# VII

## SACRA CONGREGATIO DE PROPAGANDA FIDE—
## 27 JULII—1822

### CIRCA QUAESTIONES AEDITUORUM

Ilmo ac Revmo Dno Ambrosio Marechal,
Baltimorensi Archiepiscopo

Die 27 Julii—1822

Quanta iam fuit Sacrae Congregationis laetitia quam ex incremento quod catholica fides in foederatis istis Americae provinciis, Divina opitulante gratia, in dies capiebat, tanta nunc animi acerbitate percepit dissidia, contentiones et scandala quae aliquas earumdem provinciarum ecclesias misere exagitant; quaeque, non fidei propagationem atque decorem, sed illius contemptum ac subversionem minitantur. Re mature perpensa, compertum est praecipuam malorum causam ex eo potissimum manare, quod ecclesiarum Aeditui (vulgo *Trustees*) immodicum atque incircumscriptum ius sibi arrogant, non modo super bonis Ecclesiae verum etiam super delectu pastorum, omniumque ecclesiasticarum rerum dominatum. Ad cohibendam hanc tantam atque effraenatam auctoritatem, ex qua innumera damma procedunt, prorsus necessarum Emis Patribus visum est limitandum omnino esse Aedituorum ius, caeterasque regulas praescribendas intra quas aeditui continere debeant. Sed quoniam ea ratio, quae pro ecclesiis, inposterum aedificandis adhibenda esse censetur applicari non potest ecclesiis iam exstructis. Sacra Congregatio regulas quae sequuntur in utroque casu ab Episcopis servandas esse decrevit.

Quod attinet ad ecclesias, domos presbyterales, caemeteria, et si quae sunt alia ecclesiis adnexa, quae iam aedificata sunt, et quibus administrandis congregatio fidelium laicis Aedituis ab initio tam indefinitam contulit potestatem ut ab huiusmodi administratione Episcopus ipse ac Missionarii arceantur: Sacra Congregatio, perspectis eorumdem bonorum legibus et circumstantiis, bene sentit nimis periculosum fore aedituos a possessione in qua sunt civili quodam veluti contractu, depellere. Quare ita se rebus habentibus, alia nulla videtur posse adhiberi via quam monita et obsecrationes. Rogamus itaque Amplitudinem tuam coeterosque Episcopos suffraganeos tuos, ut cum convocanda fuerit Catholicorum congregatio, a qua quotannis aeditui eliguntur, omnia oculis Episcopi subiciant ne gravissima damna eveniant; et ut evitentur perturbationes et scandala, quae plures ecclesias adeo divexant, quaeque non aliunde proveniunt, nisi ex incircumscripta aedituorum auctoritate. Easdem congregationes sedulo ac per viscera Domini Nostri Jesu Christi suavibus adhibitis persuasionibus hortentur et obsecrent, ut ad restituendam tranquilitatem, ordinem atque concordiam illimitatam hanc aedituorum auctoritatem coercere, certisque terminis ac regulis circumscribere velint, quae, sicut accepimus, ab ipsa potestate civili confirmari facile possunt. Monendae sunt igitur eaedem congregationes (1) Ut in aedituorum delectu eos tantum eligere velint qui plura verae pietatis, prudentiae, integritatis argumenta praebuerunt, eosque praesertim qui sponte subsidia ad cultus divini conferre solent: (2) Ut in electione limites apponantur intra quos aeditui continere se debeant; ac primum, ut ii nequeant ullo modo pastores ab Episcopo approbatos suo arbitratu dimittere, vel excludere ab ecclesia, eisque subsidia quae ad vitae sustentationem necessaria sunt denegare (3) Ut iidem nullo pacto possint sacerdotes facultatibus destitutos, vel ab Episcopo reiectos, multo autem minus illos qui ecclesiasticis censuris irriteti sunt in ecclesiam aut in presbyterales domos introducere: (4) Ut pastores in sacri sui ministerii exercitio ab aedituorum auctoritate independentes omnio sint: (5) Demum ut aeditui in omnibus quae sacra respiciunt cum episcopo convenire omnino debeant concorditerque cum illo se gerere. Hae quidem, et si quae sunt aliae ad ecclesiae bonum et pacem tendentes regulae catholicorum congregationibus, observandae sunt, quae jus habent imponendi leges aedituis ad cohibendam immodicam auctoritatem, quae nimis incaute ab initio iisdem collata fuit, quaeque omnium malorum semen et causa est.

Veniens nunc ad ecclesias quae in posterum aedificare contigerit, merito Sacra Congregatio confidit ut Fideles docti malorum quae ab indefinita aedituorum potestate acciderunt, malint potius, in novis extruendis ecclesiis, eas ac bona illis adnexa Episcopis eorumque successoribus plane committere. Quoties ita se gerant curare debent antistites ut in ipso civili contractu fideles aperte declarent sese ea sacra bona fiducialiter tantum ac pro usu extructae ecclesiae committere Episcopo loci nominando. Quae quidem clausula atque conditio, ut relatum nobis est, inclytae Americannae Provinciae legibus minime adversatur. Ad vitandum autem omne periculum fraudemque opus erit ut Episcopus testamenti sui duo conficiat exempla, quorum alterum penes ipsum praesulem retinendum erit, alterum viro religione atque honestate sua spectatissimo tradendum, ut si forte contigerit exemplum ab Episcopo retentum deperdi vel occultari nequeant illius heredes Ecclesiae bona sibi vindicare, cum ex altero exemplo constet Episcopum eorumden bonorum fiduciarium tantummodo possessorem merumque illorum administratorem extitisse. Quodsi malint Fideles sacra eiusmodi bona laicis administranda committere, tunc praesul omni studio cavere debet ut commissa laicis auctoritas in civili contractu ita limitetur, ut neque ipsi neque illorum successors ea possint abuti in detrimentum Ecclesiae. Apponendae limitationes erunt eae ipsae quarum supra meminimus; atque, ut contractus legesque impositae laicis maiori vi polleant curandum erit ut documentum a Catholicorum congregatione subscribatur. Posset etiam fortasse accidere ut Fideles incircumscriptam suis aedituis facultatem conferre mallent. Tunc Episcopus omnen dabit operam ut Fideles isti ab exitiali huiusmodi consilio avocentur. Quod, si illi in sua pervicacia permanserint, licebit Praesuli novae ecclesiae benedictionem denegare, nullumque iis tanquam ecclesiasticarum legum contemptoribus pastorem praeficere. Hae regulae sunt quas Sacra Congregatio servandas esse putavit ad propulsanda, quantum fieri potest, innumera Ecclesiae damma quae aedituorum causa exoriuntur quaeque facile nunquam cessabunt nisi effrenis ista illorum auctoritas cohibeatur. Tuum erit, amplissime Domine, iisdem regulis et instructionibus pro tua sapientia prudentiaque uti iuxta temporum opportunitatem, simulque curare ut harum litterarum exemplum ad cunctos Foederatarum Provinciarum Episcopos, perferatur, ut, in gravissimo huiusmodi negotio, sit iis pro norma, ac fore confidens ut Deus pacis et misericordiae benigne velit divina sua accedere gratia, his provisis, efficaciam tribuere atque incrementum, eumdem enixe precor ut Amplitudinem tuam diutissime servet ac sospitet.

## VIII

### PACT OF OCTOBER NINTH—1826

At a meeting of the Board of Trustees held at the usual place November 1st, 1826

Present

| | |
|---|---|
| John Ashley | Bernard Gallagher |
| John Leamy | John Keefe |
| R. W. Meade | Patrick Connell |
| Edward Barry | Arch. Randall |

Mr. Leamy in the Chair.

The Committee appointed on the twenty-ninth of September to confer with the Bishop in relation to a settlement of all differences Reported—

That in pursuance of the powers vested in them they had agreed with the Right Rev. Henry Conwell, Bishop of Philadelphia, to a settlement of all differences on the terms and conditions mentioned in the annexed agreement.——Viz.

### TEXTUS CONVENTIONIS CUM AEDITUIS 1826

To all to whom these presents shall come.

Whereas for some years past unhappy differences have existed between the Bishop of Philadelphia and the Congregation of St. Mary's Church in the same City, and whereas the parties have agreed amicably to settle all their disputes, and to restore harmony and union to the Roman Catholic Church in the said City.

Now Know Ye That the following articles are mutually agreed upon, settled and determined between the Right Reverend Henry Conwell, Bishop of Philadelphia of the one part, and the trustees of the Roman Catholic society worshipping at the Church of St. Mary's in the City of Philadelphia of the other part.

As the terms and conditions upon which the reconciliation and union shall be affected——

*First* The Faith and doctrines of the Roman Catholic Church shall remain sacred and inviolate, and in accordance with these principles the spiritual concerns of the said church shall be committed to the care and government of the Bishop, and temporal concerns to the Board of Trustees.

*Second* So far as the parties hereto have power and authority so to do all indictments, prosecutions, actions, causes of action, suits, damages and trespasses shall be and they are hereby mutually released (sic) and abandoned, a general amnesty to be published in the Churches of this City; and, if any Deed, Books, Papers or documents belonging to the Corporation are now in the possession of the Bishop, they are to be delivered to the present Board of Trustees, the second party hereto.

*Third* The Right Reverend Henry Conwell is hereby recognized as Bishop and Senior Pastor of St. Mary's Church in the same manner (as) he was at the commencement of the disputes in St. Mary's Church, but the Bishop voluntarily relinquishes all claim for arrears of salary and emoluments attached to the said office.

*Fourth* The Bishop acknowledges the right of the Trustees to recommend suitable persons as pastors of St. Mary's Church on the following Terms and Conditions.

A. The Bishop shall appoint the Clergy and notify the same to Trustees.

B. Should the Trustees consider any one or each of the Pastors thus appointed disqualified for discharging the duties of his station, they, the said Trustees shall be at liberty to meet and state their objections to the Bishop.

C. Such statement, in order to merit the investigation of the Bishop, shall have the signature of at least a majority of the lay Trustees.

D. Should the Bishop please to persist in the appointments of such Priest or Pastor so objected against, he will do so in the following manner.——Viz. He, the Bishop, shall appoint, together with Himself, any two Catholic Clergymen not connected with the Church of St. Mary's and shall meet a committee of three lawfully appointed by the Board of Trustees in order to consider the objections made against the Pastor or Pastors appointed by the Bishop.

E. A majority of votes on either side shall be respected by the Bishop, if in favor of the Trustees, a cause for the withdrawal of his appointment, if in his favor, a submission to the appointment.

F. Should the number of votes be equal (the Bishop voting as an individual) the parties shall cast lot for a fourth person, whose vote shall determine the Bishop.*

G. In these proceedings secrecy shall be regarded inviolable.

*Fifth* The Bishop shall appoint two persons as Pastors who shall forthwith officiate with himself in St. Mary's Church.

*Sixth* The salary of the Bishop as such shall be permanent, and not decreased during his continuance in office without his consent. The salaries of the Pastors shall be determined by the Board of Trustees, care being taken that as far as the resources of the Church will permit, a suitable and equal provision shall be made for them.

*Seventh* The small Tenement in Willings Alley belonging to the Corporation shall be furnished and appropriated for the use of the two assisting pastors for the time being of St. Mary's Church.

*Eighth* The Bishop leaves the fixing of the salary for himself and the assisting clergy to the liberality and the discretion of the Trustees.

---

* The action of the Bishop.

*Ninth* As soon as these Articles have been mutually executed and exchanged between the parties they shall be entered upon the minutes of the Board of Trustees, and in pursuance of public notice previously given, St. Mary's Church shall be opened under the sanction and authority of the Bishop of Philadelphia.

In witness whereof the parties have hereunto irrevocably set their hands and seals the ninth day of October, Anno Domini Eighteen hundred and twenty six— (Signed)

Henry Conwell seal
Bishop—Philadelphia

sealed and delivered in
the presence of
Michael Hurley
Josiah Randall

Committee of Trustees
St. Mary's Church
Arch Randall seal
R. W. Meade seal
John Ashley seal

The undersigned Roman Catholics—Trustees of Saint Mary's Church (incorporated) in Philadelphia, having appointed a Committee to confer with the Right Reverend Doctor Conwell on the subject of the schism with instructions that the terms of admission into the Church should be made as easy as possible, and that no Priest should be appointed as Pastor in said Church, against whom the Congregation, represented by the Trustees had any reasonable cause of objection—and the R. R. Bishop having agreed to these measures according to an understanding on that subject by the parties imported that nothing should be done in that cause in violation of Catholic Principles, of which the Holy See is the Judge.

Therefore the above act of settlement is humbly submitted to the Sacred College of the Propaganda for its decision on the points in this settlement which may affect the canons and general discipline of the Roman Catholic Church.

Done at Philadelphia in the Vestry Room of St. Mary's Church November 4, 1826. Witness the Seal of the Corporation in the posture of kneeling at the feet of his Holiness, and begging for his Paternal Benediction we subscribe ourselves most respectfully

John Leamy seal
John Ashley seal
Edward Barry seal
Bernard Gallagher seal
Patrick O'Connell seal
John O'Keefe seal
R. W. Meade (absent) seal

A True copy
Attest Arch. Randall
Secretary

## Note of Bishop Conwell

Eminentissime Cardinalis

Schisma huius Ecclesiae Stae. Mariae felicissime terminatur. Imminet vero alterum per operationem Reverendi Guil (elmi) Vincent. Harold, Ordinis Praedicatorum, nisi interveniat quam primum auctoritas Sacrae Congregationis et eiusdem influentia cum Generali Ordinis, qui stationem alibi assignet pro Domino Harold et suo socio Joanne Ryan, Ordinis quoque Praed (icatorum)

Precor ut D. Opt. Max. Diutissime sospitet Em. Vem., qui sum Emae. Vae. Devotissimus servus.

✠ Henricus Conwell, Episcopus Philad.
Em. Card. Cappellari Congr. de Propag. Fide. Praef.
Datum Philad—hac die 17" Martij, 1827

## DECLARATION

The Trustees of Saint Mary's Church do hereby declare that nothing in the preceding agreement shall be construed or intended to mean under any shape or form a relinquishment or abandonment of what they consider their inherent right of presentation. On the contrary, they declare that the preceding agreement has been entered into by them solely to restore peace, and with a view to enable them to prosecute more efficaciously their claim for the right of presentation as practised in other countries. The Trustees consider this right as important to the spiritual as it is to the temporal authorities of the Church; and that peace and harmony can never thoroughly exist until the right is acknowledged and practiced in these United States.

Further the Trustees declare that nothing contained in the preceding agreement shall be construed as admitting or confirming the principle that the Bishop of Philadelphia in his own right is, or can name himself a Pastor of St. Mary's Church. For the sake of peace the Trustees have consented that Dr. Conwell should from this date be a Pastor; but this act, done under peculiar circumstances, they declare is not to be considered as forming a precedent.

Third and lastly—The Trustees profit of this opportunity to declare that they will with all their energies prosecute their claim to the See of Rome to allow a Bull or decree against any future Bishop being appointed, unless his appointment shall have been made with the approbation and at the recommendation of the Catholic clergy of this diocese.

Oct. 9, 1826

R. W. Meade
John Ashley Committee of
Arch. Randall Trustees

## IX

## William Vincent Harold

### TO HENRY CLAY ESQ., SECRETARY OF STATE

Sir:

I have the honor to enclose two letters which I have recently received from Rome, and which it appears to me justify my communication of them to the Department of State. By both you will perceive that the injunction of His Holiness the Pope is laid upon me to leave the City of Philadelphia where I now reside; and to render myself to Cincinnati in the State of Ohio; and by that of the Most Rev. Joseph Velzi, Master of the Pope's Palace and Vicar General of the Dominican Order, I am further threatened with unknown consequences in case of refusal. The language of the Master of the Pope's Palace, to whose letter I am emphatically referred in the letter from Propaganda, thus admonishes me; "at si non recte saperes vides quae consecutura forent"

It is this infraction of my rights as a Citizen of the United States, and my just apprehension of the ability of the Court of Rome to execute its purposes, whatever be their nature, that induces me to appeal for protection to the Executive Authority of this country. It is necessary for me to state that I am a naturalized citizen of the United States; of which I enclose the evidence. I am now, and have been for some time past, connected with the Roman Catholic Church of St. Mary's in the City of Philadelphia, officiating in that church as one of its priests. It is proper for me further to state that neither my office of priest, nor any law or canon of the

Roman Catholic Church, subjects me to such an order as that which has been communicated to me—for no canon of the Church can impart a civil authority or any portion of jurisdication affecting civil rights, to an ecclesiastical tribunal, except so far as the Sovereign Power of the State in which such canon is to be executed or enforced, may authorize the assumption of civil jurisdiction. The conduct and regulations on this subject observed in countries exclusively professing the Roman Catholic faith are conformable to the principle I have just stated, and at all times are jealously directed against any invasion by Rome, whether in form or in substance of civil jurisdiction. And as to these United States, it is, as I apprehend, an incontrovertible fact that they have not lent, nor will the Constitution suffer them to loosen any portion of the sovereignty of the people to the Secretary of Rome or any other foreign jurisdiction.

For me, then, to set the example of obeying the mandate which I now submit to the inspection of the Executive, and the more especially since it has been ostentatiously promulgated in the public journals by the Roman Catholic Bishop of Philadelphia, an acknowledged factionary of the Sec. of Rome, would be neither consistent with my principles as a Roman Catholic, nor with the spirit and the letter of my sworn allegiance to the Constitution of the United States, under which I have distinctly renounced and disclaimed the existence of any civil or political fidelity on my part to any foreign state whatever. I am also deeply impressed with the conviction that such an interference in the personal freedom of the Citizens of this state, as this injunction would establish if obeyed or tolerated must eventually place the whole order of the Priesthood of our Church at the complete and irresponsible disposal of the Court of Rome; and subject the Catholic's generally of the United States to that false charge of divided allegiance in civil and political matters which serves at this day as a pretext for the civil disabilities of millions of Roman Catholic's in Europe. So complete is the subjection which this mandate would claim that it affects to be independent of reason; and forbids my inquiry on this head. "Ne causas inquiras deprecor".

I am well aware that the Government of the United States does not take part in the religious opinions or concerns of any body of men whatever; and that leaving to all the free enjoyment of those opinions, it leaves them also to make such restraints upon their religious freedom as they respectively think fit. It may be supposed to follow from this, that the Government should decline interfering to prevent the enforcement of such an order as that to which I have referred, since it must be regarded as a matter of religious discipline by which no one can be affected further than by being a party to it he voluntarily chooses to be. But what particularly distinguishes this case is the significant menace conveyed through the Master of the Pope's Palace by which I am to understand that in consequence of the mere exercise of my rights as a citizen of these United States, in staying where I now reside instead of departing to another state, I am to be exposed to the displeasure of the Court of Rome, in every way in which it can be shown.

I claim the protection of the President against this novel and unauthorised invasion of my private rights; and I beg of him through you to signify to that Court that in the exercise of my undoubted rights to remain where I now reside, this Government will maintain me; while I demean myself peaceably to my fellow citizens and with loyalty to the Union;—and that it will regard with dissatisfaction any attempt to abridge me of this liberty either by the menace or the infliction of injury; whether I shall operate in my private, or only in my official capacity.

I am well satisfied that the respect of the Court of Rome for the United States, and also for the President, will induce them to pay immediate attention to any thing the President shall say in this behalf and while I am without apprehension that any religious censure can justly attach to me, for refusing to obey this injunction, I am deeply and unfeignedly apprehensive, that but for some communication from the President, I may be made to suffer consequences, which do not belong to religious discipline, so much as they do to political power; and which the Court of Rome is not without the means of inflicting even in this country, if she is left to do so.

It may not be deemed improper to call to the recollection of the President the proceedings of the late Pope Pius VII, in regard to an estate in Maryland, called White Marsh, which were a cause of dissatisfaction to the Executive of the United States during the administration of the late President Monroe and which, it is believed, were annulled in consequence either of the actual or expected expression of that dissatisfaction by Mr. Adams as Secretary of State.

I have the honor to remain
with great respect,
Your obedient servant.
William Vincent Harold

Washington 2nd July, 1828.
To Henry Clay Esq., Sec. of State.

Department of State,
Washington,
21st November, 1828.

# X

## ANSWER OF MR. CLAY TO FRS. HAROLD AND RYAN

## NOVEMBER 21, 1828

The Rev. Messrs. Wm. Vincent Harold,
and John Ryan.
Gentlemen,

I have the honour to transmit to you, herewith, the copy of a Despatch which I have just received from Mr. Brown, our Minister at Paris, upon the subject of the application in your behalf, which he was instructed by this Department, under the orders of the President, in my late absence from the seat of Government, to address to the Government of the Holy See, through the Nuncio at Paris, in relation to certain mandates from Rome, personally affecting yourselves, and to be, with great respect.

(signed) Your obedient servant,
H. CLAY.

The text of Mr. Brown's Letter, dated Paris, October 13, 1828, will be found at page 173.

# XI

## TESTIMONIAL OF THE PRIESTS OF ARMAGH TO THEIR VICAR GENERAL THE REVD. DOCTOR HENRY CONWELL

We the undersigned Parish Priests and administrators of the Arch Diocess of Armagh and district of Dungannon having lately learned that our highly respected and justly beloved friend, the Revd. Doctor Henry Conwell, who has for 24 years filled the situation of Superior and Vicar of this district with honor to himself and satisfaction to us, has been appointed Bishop of Philadelphia, most humbly beg leave to offer him our candid and sincere advice on that subject. We are well acquainted with his constitution and period of life, and from our knowledge of these have reason to apprehend he might soon fall a victim to some of those diseases which frequently rage with such fury in the new world. We therefore entreat him to resign that exalted and dignified station, and spend the remainder of his days in his native land—Given under our hands at Dungannon, this 22nd. February 1820.

Michael O'Brien, Pastor of Shillishill (?) etc.
Ber-d. O'Neill, Pastor of Fodbar (?) etc.
Ber-d. Muldoon, Pastor of Kildress, & Stipane
Ber-d. O'Neill, Pastor of English, etc.
Felix O'Neill, Pastor of Clonare
John Devlin, Pastor of Augholoe
Henry McOskor, Pastor of Termon (Fecon)?
Andrew McGeogh, Adm-r. of Magherafelt.
Arthur McKenna, V. Pastor of Derryscran
John Mulgrue, Pastor of Erigal Keiran
Dan. Conwell, P. P. Pastor of Donoughmore

John McGuirk, Pastor of Ballintakin
Patrick Duggan, Curate of Ballyclog
Bernard Meaney, Curate of Aughotogh (?)
Arthur Woads, Curate of Erigal Keiran
John Mulgrew, Curate of Dessartestate
James Mackel, Pastor of Ardtren
Francis Gahan, Curate of Clonoe
John Quinn, Curate of Ardtrea
Edward Goodwin, Curate of Shillishill
John Montague, Administrator of Clonteele.

*Note* Above signatures are all genuine John Montague—Notary Apostolic.

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